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May 1996

TO: All Employees of AIP
FROM: T.C. Braun *TCB*
SUBJECT: REVISED *EMPLOYEE HANDBOOK*

Attached is the revised *Employee Handbook*. Please insert into your *Employee Handbook* looseleaf, discard the old and take time to familiarize yourself with AIP's overall policies and practices.

Please feel free to call the Personnel Division if you have any questions.

S 001844

Employee Handbook

AMERICAN
INSTITUTE
OF PHYSICS

Revised May 1996

S 001845

AMERICAN INSTITUTE OF PHYSICS LOCATIONS

**One Physics Ellipse
College Park, Maryland 20740-3843
Tel: 301-209-3100 • Fax: 301-209-0843**

| | |
|-----------------------------|-----------------------------|
| ACP Technology User Support | Executive Director/CEO |
| Accounting | Facility Services |
| Career Services | Personnel |
| Chairman of the Board | Physics History |
| Child Care Center | Physics Today |
| Computers In Physics | Public Information |
| Controller's Office | Secretary |
| Development Office | The Industrial Physicist |
| Director, Human Resources | Society of Physics |
| Director, Physics Programs | Students/ $\Sigma\Pi\Sigma$ |
| Education | Treasurer/Chief Financial |
| Education & Employment | & Administrative Officer |
| Statistics | |

**366 N. Broadway, Suite 200
Jericho, New York 11753-2000
Tel: 516-576-2478 • Fax: 516-576-2223**

| | |
|-----------------------------------|---------------------------|
| Advertising & Exhibits | Editorial Operations |
| AIP Press | Marketing |
| Book Publisher | Scientific Classification |
| Books/Special Projects Production | Translations Program |
| Director, Marketing | |

**500 Sunnyside Boulevard
Woodbury, New York 11797-2999
Tel: 516-576-2200 • Fax: 516-349-7669**

| | |
|----------------------------------|----------------------------|
| Business Systems & Operations | Internet Publishing |
| Child Care Center | Journal Production I |
| Circulation and Fulfillment | Journal Production II |
| Composition Services Branch | Journal Publisher |
| Data Preparation | Personnel |
| Director, Human Resources | Product Development |
| Director, Information Technology | Production Services |
| & Products | Branch |
| Executive Director/CEO | Publishing Systems |
| Facility Services | Publishing Services |
| Graphics Production | Vice President, Publishing |

**National Press Building
529 14th St., NW, Suite 1050
Washington, DC 20045-2001
Tel: 202-662-8710 • Fax: 202-662-8711**

Physics Today

MEMBER SOCIETIES

The American Physical Society
Optical Society of America
Acoustical Society of America
The Society of Rheology
American Association of Physics Teachers
American Crystallographic Association
American Astronomical Society
American Association of Physicists in Medicine
American Vacuum Society
American Geophysical Union

OTHER MEMBER ORGANIZATIONS

Sigma Pi Sigma Physics Honor Society
Society of Physics Students
Corporate Associates

TO AIP STAFF MEMBERS

Our organization, the American Institute of Physics provides a wide variety of services for science societies, the physics community, students and the general public, as well as for over 100,000 people who comprise AIP's ten Member Societies.



AIP is the world's largest publisher of physics research literature. We publish our own magazines and archival journals. We also assist Member Societies in the production and distribution of their journals. AIP translates and publishes English versions of selected Russian language journals and distributes other journals published by foreign physics organizations. Under the imprint AIP PRESS, we publish books and conference proceedings. AIP also publishes Physics Academic Software.

Through its physics programs, AIP contributes to public awareness and education. Among AIP's contributions are education programs including the Society of Physics Students, the Center for History of Physics including the Niels Bohr Library, a Corporate Associates Program, and divisions for Public Information, Statistics (on physics education and employment), and Career Services. In these and many other ways, AIP reaches out to serve the community of physicists, astronomers, and the public at large.

As an AIP staff member you are advancing, directly or indirectly, the important goals of the Institute; your chosen career is one of service to science and society.

This booklet provides you with an introduction to AIP and its personnel policies and benefits. Keep it handy for future reference. Whenever you need more information or an answer to a question that does not appear in this *Handbook*, please consult your supervisor or a member of the Personnel Division.

continued on next page

One of my pleasures as AIP's Executive Director is working with fellow employees and exchanging ideas on how the organization can function better. Communication is the key to improved performance and greater job satisfaction, so please feel free to contact me with your suggestions.

A handwritten signature in black ink, appearing to read 'M. Brodsky', with a stylized, cursive script.

Marc H. Brodsky
Executive Director/CEO
May 1996



Accounting
Controller
Facility Services

**TREASURER/CHIEF FINANCIAL
& ADMINISTRATIVE OFFICER**
ARTHUR T. BENT

SECRETARY
RODERICK M. GRANT

Secretary's Office





Advertising & Exhibits
AIP Press
Information Technology
& Products
Journal Publisher
Marketing
Product Development
Publishing Services

VICE PRESIDENT, PUBLISHING

DARLENE A. WALTERS

DIRECTOR, PHYSICS PROGRAMS

JOHN S. RIGDEN

Career Services
Computers In Physics
Education
Education & Employment
Statistics
Physics History
Physics Today
Public Information
Publisher
The Industrial Physicist





Benefits
Child Care Centers
Compensation
Labor Relations
Personnel

DIRECTOR, HUMAN RESOURCES
THERESA C. BRAUN

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About This Handbook

We want your job experience to be rewarding and enjoyable and we believe the more you know about the Institute, the more satisfaction you can derive from your job.

With this in mind, we have prepared this *Employee Handbook* to help you become acquainted with the Institute, its personnel policies, and the benefits offered to you as an employee. Please review the *Handbook* carefully and keep it for future use.

Due to government regulations and the changing demands of our operations, we may modify these policies and benefits from time to time. This *Handbook* contains guidelines for the Institute's use. Its terms should not be regarded as contractual in nature. We will attempt to keep you up to date regarding changes that affect you.

AIP History and Organization

The American Institute of Physics (AIP) is a not-for-profit membership corporation chartered in New York State in 1931 for the purpose of promoting the advancement and diffusion of the knowledge of physics and its application to human welfare. Its governance is provided by Member Societies. Currently there are ten Member Societies.

It is the mission of the Institute to serve the sciences of physics and astronomy by serving the Societies, by serving individual scientists, and by serving students and the general public.

Today, the Institute has a staff of nearly 500 people handling its various services for more than 100,000 members of ten Member Societies. In addition, 6,000 students in more than 670 colleges and universities are members of the Institute's Society of Physics Students; the physics honor society, Sigma Pi Sigma, has over 50,000 members and is represented through 59 Corporate Associate members.

At the end of 1993, the Publishing Center was consolidated on Long Island, New York, while Physics Programs and Finance and Administration moved to the American Center for Physics (ACP) in College Park, MD.

The American Center for Physics opened in October 1993 in a new 120,000 square foot building on 24 acres of land in College Park, Maryland. ACP provides headquarters for the American Institute of Physics, The American Physical Society (APS), the American Association of Physics Teachers (AAPT), and the American Association of Physicists in Medicine (AAPM).

The major ongoing goals of the AIP staff are described under the following headings:

- Umbrella
- Pricing
- Image
- Timeliness

AIP Activities and Programs

The Institute provides publishing and other services for ten Member Societies, collects dues, provides financial services, handles subscription fulfillment for 80 publications, mails ballots, announcements, and prepares membership directories. It also publishes its own journals, translates and publishes Russian journals, and publishes books, conference proceedings, software, and special reports.

The American Institute of Physics is best known for its extensive publishing operation. A large fraction of the world's physics research literature is published by AIP and its member societies. By adopting appropriate up-to-date publishing techniques, the Institute ensures that current physics and astronomy research papers are widely distributed promptly and economically. In addition to publishing original papers, AIP prepares and distributes various current physics information products to assist scientists in finding and retrieving the research contributions relevant to their work.

AIP's flagship monthly magazine, *Physics Today*, goes to 115,000 subscribers, including many overseas. A bi-monthly magazine/journal, *Computers In Physics*, reports on significant developments in computer software, hardware, and methodology for physics research and education. *The Industrial Physicist* is a quarterly magazine that helps physicists and their managers in companies make more effective use of physics in furthering corporate goals.

The Public Information Division provides the media with information concerning developments in physics and astronomy. It operates press rooms at society meetings, provides science news reports for TV and radio programs, prepares special news releases, distributes booklets in response to requests, and is a clearing house for current information about physics and physicists.

The Institute assists those interested in a physics career by publishing guidance booklets through its Education Division. The Society of Physics Students, with its honor component, Sigma Pi Sigma, is part of this division.

The Career Services Division provides physicists with information about career opportunities and placement services, while the Education and Employment Statistics Division carries out statistical studies.

The Physics History Division includes the Niels Bohr Library and the History of Physics Archives. It preserves and catalogs documents relevant to the history of physics in the United States and provides public exhibits featuring the history of physics.

As well as specific programs mentioned above, the Institute maintains a liaison with industry, through the AIP Corporate Associates activities and with other outside scientific and publishing organizations.

Equal Opportunity in Employment

The American Institute of Physics is an equal opportunity employer. We believe that every employee has the right to be treated with dignity and respect. Accordingly, we will not discriminate on the basis of age, race, creed, color, sex, national origin, citizenship, disability, marital status or other protected characteristics. Our management team is dedicated to ensuring the fulfillment of this policy with respect to recruitment, advertising, hiring, placement, promotion, rates of pay or other forms of compensation, selection for training, layoffs, termination, and general treatment during employment.

Immigration Reform and Control Act

In accordance with the Immigration Reform and Control Act of 1986, it is the Institute's policy to hire only those individuals who are authorized to work in the United States. Pursuant to this law, all individuals who are offered employment will be required to submit proof of their identity and employment authorization. Employees will also be required to complete and sign, under oath, Immigration and Naturalization Service Form I-9. Form I-9 requires you to attest that you are authorized to work and the documents submitted are genuine.

If you are authorized to work in this country for a limited period of time, before the expiration of that period you will be required to submit proof of your employment authorization and sign another Form I-9 in order to remain employed by the Institute.

Questions, Suggestions, and Complaints

The best way to develop a rewarding and enjoyable work environment is through open, honest, and direct communication about all aspects of our jobs. There are times when each of us has a question, comment, or problem that needs to be addressed. The AIP policy is simple: ask it, suggest it, or let us know about it.

The Institute encourages you to bring your questions, suggestions, and complaints to management's attention. Everyone will receive careful consideration and a timely response. When many people work together, situations may be viewed differently. While no one can guarantee that you will always receive the answer you want, we will attempt to provide fair consideration to any question, suggestion, or complaint that may arise.

When you have a problem or a question, you should discuss the situation with your supervisor. You and your supervisor work together on a daily basis and our experience has shown that many problems can be effectively resolved at this level. We encourage you to speak openly and honestly with your supervisor.

If you still feel that your problem has not been dealt with fully, or if for some reason you feel uncomfortable discussing the matter with your supervisor, discuss your concern with your Division or Branch Manager, then, if necessary, the Director of Human Resources or her designee. The officers of the Institute, including the Executive Director, maintain an open-door policy. They are glad to hear from employees with special suggestions or concerns.

As you can see, we are anxious to hear from you on any subject and look forward to working with you to address your concerns. We want you to have every opportunity to discuss your problems freely.

You and Your Supervisor

Your supervisor is a vital part of our management team and will have more to do with your welfare and development than any other person in our organization. Your supervisor is directly involved in planning work schedules, ensuring the quality of your work, and providing you with whatever assistance you may need. Furthermore, your supervisor will explain your new job responsibilities, introduce you to your fellow employees, show you where things are, and periodically evaluate and advise you concerning your work performance.

An important aspect of a supervisor's duties is to listen to questions, suggestions, and problems and to provide an appropriate, effective response. He/she is not only to supervise, but to make your thoughts and concerns known to upper management. We all benefit when you give your supervisor your cooperation and discuss issues openly with him or her.

Your Introductory Period of Employment

It usually takes a period of time for new employees to get to know a new work environment and the people with whom they will be working. Similarly, an employer needs time to get acquainted with new employees and to find out how well they fit into the job for which they were hired. At AIP, this time is called an "introductory period."

The first six consecutive months of employment are considered to be an introductory period. Employee performance will be evaluated during this period to determine if employment should be continued.

Full-Time and Part-Time Employees

Currently regular full-time employees work at least 35 hours per week in New York, and 37.5 hours per week in Maryland, and receive full benefits. These hours are subject to change according to business needs.

Regular part-time employees work at least 25 hours per week and receive full benefits.

Hourly employees will usually work less than 25 hours per week at an AIP location.

Temporary employees are hired as needed on an irregular basis.

Cottage employees will usually work less than 25 hours per week, at home.

Throughout the *Employee Handbook* the term "regular employee" will be used to denote only regular full-time and part-time employees.

Your Normal Work Week

The normal work week for (full-time) employees is 35 hours (in New York) and 37.5 hours (in Maryland), Monday through Friday.

New York

There are two shifts: a day shift from 8:45 a.m. to 4:15 p.m., with ½ hour for lunch and two 15-minute breaks; and an evening shift from 5:00 to 10:00 p.m., with one 15-minute break.

Maryland

The normal work day is from 8:30 a.m. to 5:00 p.m., with one hour for lunch and two 15-minute breaks.

Maryland employees may work flexible hours, within the following guidelines. All regular, full-time employees must work during the core hours of 9:00 a.m. - 4:00 p.m., taking either a half-hour or an hour for lunch. In addition, at least one senior staff member must be present in each department during regular business hours (8:30 a.m. - 5:00 p.m.), and telephones must be continuously covered. All flex time must be approved by the division manager.

Business conditions and other factors may require that adjustments be made to these schedules from time to time. Also, the working hours of individual employees may need to be changed to address special business needs. The Institute reserves the right to change the normal business hours and length of the work week. However, in either of these circumstances, every effort will be made to provide employees with advance notice of changes in daily/weekly work schedules.

Attendance and Punctuality

You were hired to perform important functions as part of our team. As with any group effort, cooperation and commitment from each individual are required if the Institute is to operate effectively. Therefore, regular attendance and punctuality are expected of all employees at AIP; it is your responsibility to AIP, to your fellow employees, and to yourself.

We recognize that there may be times when your absence or lateness cannot be avoided, due to illness or another legitimate reason. In such cases, you are expected to telephone your supervisor before the start of your shift. You should call in every day that you are away from your job. Unreported absence may subject an employee to disciplinary action, up to and including termination. Two consecutive days will be regarded as a voluntary resignation.

Consistent and/or a pattern of unexcused absenteeism or unexcused lateness cannot be tolerated because of the negative effect on the Institute, the employee's performance, and that of his or her co-workers.



INTER-OFFICE MEMORANDUM

TO: All AIP & Resident Society Employees

June 24, 1996

FROM: T. C. Braun *TB*

SUBJECT: Revised page of Employee Handbook

Attached is a revised page 10 of the Employee Handbook. Please replace this page in your Handbook and discard the old one. We apologize for the oversight and any confusion this may have caused anyone.

S 001865

Attendance and Punctuality

You were hired to perform important functions as part of our team. As with any group effort, cooperation and commitment from each individual are required if the Institute is to operate effectively. Therefore, regular attendance and punctuality are expected of all employees at AIP; it is your responsibility to AIP, to your fellow employees, and to yourself.

We recognize that there may be times when your absence or lateness cannot be avoided, due to illness or another legitimate reason. In such cases, you are expected to telephone your supervisor before the start of your shift. You should call in every day that you are away from your job. Unreported absence may subject an employee to disciplinary action, up to and including termination. Two consecutive days will be regarded as a voluntary resignation.

Consistent and/or a pattern of unexcused absenteeism or unexcused lateness cannot be tolerated because of the negative effect on the Institute, the employee's performance, and that of his or her co-workers.

Attendance Incentives

All regular employees with a record of no sick leave (including absence due to job-related illness or injury) for the year (perfect attendance) will receive two bonus days. This paid time off must be taken within the next year.

AIP will award a cash incentive bonus of \$200 to each regular employee with no more than two sick days during the calendar year (1 January through 31 December). New employees will be eligible for this cash incentive only for a full calendar year of employment.

Sick Leave

AIP will compensate all regular employees after three continuous months of employment for up to ten days of sick leave in each calendar year.

During the first calendar year of employment, eligibility for paid sick leave is based on length of service, calculated as follows: **after three months**, you are eligible for one day per month remaining in the calendar year. **Note:** To receive credit for a full month, you must be hired on or before the 15th day of that month. (Examples: hired 12 January, you have 9 days for the year; hired 21 May, you have 4 days for the year; hired 19 September, you have 0 days for the balance of the calendar year.)

You are expected to notify your supervisor as early in the day as possible on the first day of sick leave and every day thereafter that you are away from your job. Absences due to illness exceeding five days will require a doctor's certification that you are fully able to return to work.

Employees terminating employment for any reason are not entitled to payment for any accrued unused sick time.

Sick Leave Accrual

For all regular full-time and part-time employees, on the first day of each year, unused sick days from the preceding year will be credited to a sick leave accrual account.

Any unused vacation leave in excess of 30 days will also be converted to sick leave and credited to the sick leave accrual account on the first day of each year (see Vacations).

Accrued sick leave may be used only for employee illnesses or injuries resulting in absences of eight or more consecutive work days (i.e., disability leave). In addition, this accrued sick leave may be used only after all 10 sick days have been exhausted in that calendar year.

Employees terminating employment for any reason are not entitled to payment for any unused sick leave accrual account.

Paid Holidays

All regular full-time and part-time employees are granted twelve paid holidays which may include one or more personal days (see Personal Days). The holidays are:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day

Depending on the day of the week Christmas and New Year's are celebrated, two additional holidays may be added during this period.

In order to be eligible to receive holiday pay, you are required to work your regularly scheduled hours the workday preceding and the workday following the holiday. In accordance with the Institute's policy, an approved vacation day or any other excused and paid-day off is considered a day worked for purposes of holiday pay eligibility.

The holiday schedule for the following year is announced in the fall. Holidays occurring during an employee's vacation are not charged against vacation time. Employees on leave of absence, disability or layoff are not eligible for paid holidays.

Personal Days

Depending on the number of official holidays in a calendar year, one or more additional personal days are given to complete the 12-day total. (This is shown on the holiday schedule.)

Personal days must be requested at least two days in advance, from your supervisor. Personal day requests that cannot be accommodated will be rescheduled to a mutually agreeable time. No personal days may be carried over into the following calendar year.

As a new employee, you are eligible for a personal day after three months of employment. In a year with two personal days on the holiday schedule, new employees hired between 1 January and 30 June are eligible for both days; those hired between 1 July and 31 December are eligible for one day, subject to the three-month waiting period mentioned above.

Employees terminating employment for any reason are not entitled to payment for any unused personal time.

Vacations

Vacation time is provided to employees by AIP in recognition of the importance of uninterrupted periods of rest, relaxation, and time with family members. Accordingly, vacation time is to be used for vacation. It may not be "cashed in" by working during a vacation period. A maximum of 30 days may be carried over from one year to the next. At the beginning of each year, all unused vacation days in excess of 30 will be credited to your sick leave accrual account (see Sick Leave Accrual), except as described under "Exceptions," on page 15.

Regular full-time and part-time employees who have worked at AIP for at least six full months qualify for paid vacation on the following basis. **Note:** To receive credit for a full month, you must be hired on or before the 15th day of that month.

Length of Service

- | | |
|--|---|
| • Within the first year of employment at AIP | One day of vacation per month determined by the employee's date of hire |
| • First anniversary through fifth anniversary (2nd, 3rd, 4th, 5th years of employment) | One and one-quarter days of vacation for each month employed (15 vacation days for a full 12-month year worked) |
| • Sixth year of employment and each year thereafter (20 vacation days for a full 12-month year worked) | One and two-thirds days of vacation for each full month employed |

Hourly in-house employees who work a minimum of 15 hours per week and have worked at AIP for at least one year qualify for paid vacation on the following basis:

- | | |
|---|--|
| • First anniversary through second anniversary (2nd year of employment) | One half day of vacation for each month employed (6 vacation days for a full 12-month year worked) |
| • Third year of employment and each year thereafter | One day of vacation for each month employed (12 vacation days for a full 12-month year worked) |

Additional vacation days are awarded in recognition of special employee service anniversaries, as follows:

- | | |
|--|--|
| • Upon completion of 15 years of service | Five days (must be taken prior to the 20th year) |
| • Upon completion of 20 years of service | 10 days (prior to 25th year) |
| • Upon completion of 25 years of service | 10 days (before retirement) |

Exceptions

Following the 15th and up to the 20th year of service, you may carry over 35 days of vacation. Following the 20th and up to the 25th year, 40 days may be carried over until retirement.

Vacation schedules must be approved by the appropriate supervisor prior to any vacation. Supervisors are to consider schedules and business conditions for the requested vacation period and the length of service of the requesting employee.

Employees terminating employment for any reason are entitled to payment for all accrued unused vacation time.

Service Awards

In recognition of the value of its employees, AIP offers service anniversary awards at the following times: 5, 10, 15, 20, 25, 30 and 35 years of service.

Overtime

Employees are expected to work overtime when requested to do so by their supervisors. Overtime work is not permitted except when specifically authorized.

Overtime work by non-exempt employees will be paid at the regular rate for all hours up to 40 per week and at one and one-half times the regular rate of pay for all hours worked in excess of 40 per week. Every effort will be made to provide advance notice when overtime work is required.

Your Paycheck

All employees are paid bi-weekly.

When a payday falls on a holiday, payroll checks will be distributed on the preceding working day.

Your paycheck includes all earnings including any overtime that is submitted by the payroll deadline. Year-to-date earnings are itemized on the check.

If you are absent on payday, your paycheck will be held at the Personnel Division.

Forms required for Direct Deposit are available in the Personnel Division.

Personnel Records

The Personnel Division maintains appropriate records concerning your employment at AIP. It is important that you provide Personnel with current information to update your personnel records, particularly in case of emergency and to ensure receipt of benefits.

Employees should immediately notify their supervisor or the Personnel Division of any changes in:

- Name
- Address
- Telephone Number
- Marital Status
- Number of Dependents (For W-4 Use)
- Emergency Information
- Beneficiary(ies) for insurance purposes
- Dependent(s) reaching the age of 23

Performance Reviews

Our policy is to pay competitive wages in order to attract and retain quality employees. In addition, AIP periodically evaluates the performance of each employee. The Institute normally reviews employees' performance annually. All new hires will receive a performance review at the end of their 6 month introductory period.

Performance is rewarded based on merit. Our performance evaluation program gives you an opportunity to sit down with your supervisor to review how your work has progressed since your last review. During this evaluation, mutual goals for the future are discussed, and what steps may be necessary to reach those goals.

While we have established a schedule for performance evaluation, this schedule is not intended to limit discussions of performance, goals, and/or objectives to those times. We urge you, as we urge our supervisors, to discuss any questions or problems related to your performance on an ongoing basis. We hope this type of communication will enhance your performance and ensure our mutual success.

Staff Development and Advancement

We believe that employees should have the opportunity to increase their knowledge and skills, to improve current performance and (when qualified) assume new responsibilities. Therefore, you are encouraged to improve your knowledge and skills in order to become qualified for more responsible positions. We assist you, where appropriate, in the achievement of your personal goals with training programs and the Tuition Assistance Plan.

Because of the training required for most positions at AIP, you may not apply for a position in another division before completing one year in your present position.

Advancement at AIP is based on merit (e.g., consistently good performance and reliability; necessary knowledge and skills; and demonstrated ability to accept increased responsibilities). The Institute will attempt to promote employees wherever possible to fill openings at higher levels of responsibility. Job openings at AIP are posted on bulletin boards at all locations, and qualified staff are encouraged to apply.

In selecting applicants for available positions, consideration will be given to performance reviews, background and educational qualifications, length of service, and supervisor's recommendations.

Pat on the Back

A manager may, with approval from his or her Director or Officer, award a monetary "Pat on the Back" (\$100 cash) to an employee deemed to have made a significant extra effort or contribution to the department of the Institute. All "Pat on the Back" recommendations are made in writing and must be approved by the Director of Human Resources.

Tuition Assistance Plan

Upon approval, the Institute will pay 75% of the tuition and registration fees at the time of enrollment, for courses taken by eligible employees. To be eligible, you must have worked for AIP for at least six months as a regular employee and must obtain a passing grade in the course(s). There is a maximum of \$2,500 per school year (from September through August).

Approved courses include those that are pertinent to your work, that lead towards a degree at an accredited school, or that are taken to fulfill matriculation requirements.

Forms and further information can be obtained from the Personnel Division.

Employee Assistance Program

AIP's Employee Assistance Program (EAP) provides a highly confidential and experienced source of help for employees who are experiencing human problems such as finding sources of elder care or child care, legal or financial difficulties, substance abuse, or other personal/family situations. In most instances problems of a personal nature can be resolved without the services of the EAP. Sometimes, however, this is not the case. Under such conditions, it may be in the best interest of all employees, family members and the Institute to seek outside assistance.

The Institute has retained the services of National Employee Assistance Providers. One of the most important reasons for selecting an outside firm is to insure confidentiality.

When job performance is affected, a concerned supervisor may direct an employee to use the EAP services and follow the course of action suggested by the EAP.

Employee Benefits Program

AIP also provides an excellent, comprehensive employee benefits package to all eligible employees. The Institute reserves the right to amend, modify or discontinue the benefits should it become desirable or necessary. Each fall the Institute reviews its benefits programs, looking at utilization, enrollment, and costs. Any change in coverage or cost will be communicated to employees prior to the Open Enrollment Period in November. Included among the coverages in our insurance benefit program are: medical, dental, vision, life insurance, travel and accident insurance, prescription drug, retirement, and short-term and long-term disability insurance. All regular employees are eligible for enrollment in these group plans on the first day of the month after completion of three months of continuous employment.

Full descriptions of each of the above-mentioned coverages are provided in separate benefit booklets and the policy certificates. The benefit booklets, summarizing each provided benefit, are distributed to all new employees by the Personnel Division. Questions concerning eligibility, enrollment, coverage, and claims should also be directed to Personnel Division.

Employee Referral

Any regular employee who refers an applicant who is employed by the Institute for three continuous months will receive the following referral fees:

- Regular full time position \$200.00
- Regular part time position \$100.00
- Cottage industry & hourly positions \$75.00

This bonus will be paid following the applicant's successful completion of the six month introductory period provided the referring employee is still employed at AIP.

Employment of Relatives

Having members of the same family employed by the Institute can be a positive factor adding to the strength of the staff and is encouraged except as set forth below.

1. No relatives may be employed in the same section.
2. No relatives may be employed in positions such that one has supervision, directly or indirectly, over the other, or has any influence or appearance of influence over the other's employment, promotion, salary, or other related management or personnel actions.

Jury Duty

Jury duty is a civic responsibility. All regular employees who are required to serve on a jury on a scheduled work day, will receive their regular pay from AIP for hours they are not able to work because of the time served on jury duty. They must present the court summons to the Personnel Division.

In instances where the locality pays a per diem stipend, employees keep only the amount designated for transportation and returns the balance to AIP.

Bereavement Leave

Regular employees are eligible for paid bereavement leave for up to three working days (for long-distance travel an extra day will be granted) in the event of a death in an employee's immediate family and one day for all other family members.

Immediate family for the purpose of this policy shall be defined as spouse, children, parents, grandparents, grandchildren, sisters, brothers, and parents-in-law. Where a question arises, appropriate documentation must be submitted to the employee's supervisor to receive pay for bereavement leave.

Family and Medical Leave Policy

The Leave Policy

You are eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon your return from leave provided you: (1) have worked for the Institute for at least 12 months, *and* for at least 1250 hours in the last 12 months; and (2) are employed at a worksite that has 50 or more employees within 75 miles of each location.

Reasons For Leave

You may take family/medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter; (3) to care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition; or (4) because of your own serious health condition which renders you unable to perform an essential function of your position. Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses employed by the Institute who request leave because of reasons "1" or "2" or to care for an employee's parent with a serious health condition may only take a combined total of 12 weeks leave during any 12 month period.

Notice Of Leave

If your need for family/medical leave is foreseeable, you must give the Institute at least 30 days prior written notice. If this is not possible, you must at least give notice as soon as practicable (within 1 to 2 business days of learning of your need for leave). Failure to provide such notice may be grounds for delay of leave. Additionally, if you are planning a medical treatment you must consult with the Institute first regarding the dates of such treatment. Where the need for leave is not foreseeable, you are expected to notify the Institute within 1 to 2 business days of learning of your need for leave, except in extraordinary circumstances. The Institute has Request for Family/Medical Leave forms available from the Personnel Division. You should use these forms when requesting leave.

Medical Certification

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification forms from the Personnel Division. When you request leave, the Institute will notify you of the requirement for medical certification and when it is due (at least 15 days after you request leave). If you provide at least 30 days notice of medical leave, you should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Institute, at its expense, may require an examination by a second health care provider designated by the Institute, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Institute, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Institute may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

Reporting While On Leave

If you take leave because of your own serious health condition or to care for a covered relation, you must contact the Institute on the first and third Tuesday of each month regarding the status of the condition and your intention to return to work. **In addition, you must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended or initially were unknown.**

Leave Is Unpaid

Family/medical leave is unpaid leave (**although you may be eligible for short or long-term disability payments and/or workers' compensation benefits under those insurance plans which are mentioned elsewhere in the *Handbook*.**) If you request leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation, will first be substituted for unpaid family/medical leave. If you

request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal or sick leave will first be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12 week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than 100% of your salary.

Medical And Other Benefits

During an approved family/medical leave, the Institute will maintain your health benefits, as if you continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Institute will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium. Your health care coverage will cease if your premium payment is more than 45 days late. If your payment is more than 30 days late, we will send you a letter to this effect. If we do not receive your co-payment within 15 days of this letter, your coverage will cease. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse the Institute for the cost of the health benefit premiums paid by the Institute for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

Intermittent And Reduced Schedule Leave

Leave because of a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Institute will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Institute may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

Returning From Leave

If you take leave because of your own serious health condition, (except if you are taking intermittent leave) you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from the Personnel Division. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

Extended Leave For Serious Health Condition

Leave taken because of your own serious health condition may be extended on a month-to-month basis for a maximum of an additional 4 weeks upon: (1) written request to the Institute; (2) proof that the serious health condition has continued; and (3) approval by the Institute (which is subject to its business needs). If you do not return to work on the originally scheduled return date nor request in advance an extension of the agreed upon leave with appropriate documentation, you will be deemed to have voluntarily terminated your employment with the Institute. If you request an extension of your leave beyond the initial 12 week period, you must submit medical certification of your continued serious health condition in advance for each month that the leave is extended. Reinstatement is not guaranteed on an extended leave and will depend on Institute needs.

No Work While On Leave

The taking of another job while on Family/Medical Leave or any other authorized leave of absence is grounds for immediate termination.

State And Local Family And Medical Leave Laws And Other Company Policies - Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits provided by such laws will apply.

Military Leave of Absence

If you enter the military service of the United States, you are eligible for an unpaid military leave of absence. Present the Personnel Division with a copy of your service papers as soon as you receive them.

During your absence, your length of service accumulates and upon application within 90 days from date of discharge from military service, you will receive the current rate of pay and other benefits which have improved during your absence.

If you are recalled to attend yearly Reserve or National Guard duty, you will be granted a temporary military leave of absence. You should give your supervisor and Personnel as much advance notice as possible so that we may ensure proper coverage while you are away. In addition, if you are in the Reserves or National Guard and have completed your introductory period before commencing the reserve duty, the Institute will pay the difference between your service pay and your basic earnings for a maximum period of two weeks per year. Proof of reserve pay is required in order to enable the Institute to pay you accordingly.

Harassment

The Institute prohibits harassment of one employee by another employee, supervisor or third party on the basis of race, religious creed, color, age, sex, sexual orientation, marital or veteran status, national origin, citizenship, ancestry, or mental or physical disability.

While it is not easy to define precisely what harassment is, it certainly includes teasing, slurs, epithets, threats, derogatory comments, unwelcome jokes or advances, suggestive behavior and/or verbal or physical conduct including, but not limited to, drawings, pictures, jokes, teasing, unwanted touching or other similar conduct.

Any employee who feels that he or she has been subject to harassment, or that witnesses such conduct, should report this immediately to their supervisor, the Director of Human Resources or Personnel Manager. All allegations of harassment will be speedily and discreetly investigated and appropriate action taken. Employees participating in any investigation under this policy will have the Institute's assurance that no reprisals will be taken as a result of a harassment complaint.

Violations of this policy will not be tolerated and may result in disciplinary action up to and including discharge.

General Rules of Conduct

As we are all aware, rules and regulations are essential to the general safety and welfare of our employees and to the efficient operation of the Institute. The following rules have been established for everyone's guidance while employed at AIP. This list of rules is not intended to be all-inclusive, since it is impossible to determine all the circumstances which may arise. However, these rules will provide illustrative standards by which employees should conduct themselves.

The procedure for handling discipline may include verbal warning, written warning, suspension without pay, and termination of employment. However, some situations may require immediate termination.

The following are examples of unauthorized behavior:

- Insubordination
- Foul or abusive language
- Use or possession of intoxicants or illegal drugs on or off AIP's premises during work hours; reporting to work while under the influence of intoxicants or illegal drugs
- Sleeping on the job
- Fighting on the job or the threat of bodily harm to others while on the job
- Misuse of or damage to Institute material or equipment or to the material or equipment of another employee
- Unauthorized removal of property belonging to the Institute or another employee
- Carelessness endangering the safety of oneself or others
- Constant pattern of tardiness or absenteeism without authorization
- Misbehavior including but not limited to: horseplay, harassing or intimidating fellow employees, making malicious or derogatory statements about fellow employees or about the Institute, misuse of confidential information, falsifying records, and illegal conduct
- Violation of safety or other operating rules. A positive attitude for the safety of your fellow employees and yourself must be observed at all times. This includes using proper safety equipment and reporting any unsafe practice to your supervisor

- Carrying or possessing weapons of any kind on Institute property
- Parking in non-designated areas
- Unauthorized use of Institute telephones
- Solicitation of any kind by an employee of another employee while either is on working time
- Inappropriate dress
- All employees of AIP are employed at-will. Accordingly, employees may be terminated at anytime, with or without cause and with or without notice.

Miscellaneous

Bulletin Boards

Important business notices and items of general interest are continually posted by Management on our employee bulletin boards at all locations. Make it a practice to review them frequently. This will assist you in keeping up with what is current at AIP. Employees are not permitted to post material on the bulletin board or elsewhere in AIP facilities.

Identification Badge

New York employees will be issued an employee identification badge. Admission to the buildings is limited to employees properly displaying identification badges. If you lose your badge, report it to your supervisor.

Access Card

Maryland employees will be issued security access cards which will admit them into the building through security doors and will serve as identification upon request.

INSIDE AIP

This newsletter, published monthly, is distributed to all staff.

Lunchrooms

The Institute maintains lunchrooms at its New York and Maryland locations. Free coffee and tea are provided in the morning before 8:45 a.m. (NY) and 8:30 a.m. (MD), during lunch time and during morning and afternoon breaks at all locations. Employees must arrange their lunch time, at the discretion of their supervisors, between the hours of 12:00 noon and 2 p.m.

Personal Visits and Telephone Calls

Any necessary personal telephone calls should be made during break or lunch periods. Should an emergency arise, your family or friends should be directed to contact the Personnel Division and someone there will arrange that you be notified.

Dress Code

The Institute expects each employee to maintain a neat, well-groomed appearance, and to behave in a professional manner. Extremes in dress or unbusinesslike conduct will be brought to the employee's attention.

Weather-Related Closings of AIP Offices

The Institute monitors hazardous weather conditions. When a decision for a closing or late arrival is made, the snow line or telephone relay list for each division is activated. All employees will be notified as early as possible. If an early closing time is announced, all employees are expected to observe the revised hours of work.

Liberal Leave Policy

An employee who feels unable to travel to work because of severe weather conditions on a day when the Institute is open for business, may use a day of vacation or personal leave. If you have no personal or vacation time available, you may take a day of unpaid leave. Advise your supervisor at the start of your shift if you will not be able to work.

Solicitation/Distribution

We believe that employees should not be disturbed or disrupted in the performance of their job duties. For this reason solicitation of any kind by an employee of another employee is prohibited while either person is on working time. Solicitation of any kind by non-employees is prohibited at all times.

Distribution of advertising material, hand bills, printed or written literature of any kind in working areas of our Institute is prohibited at any time. Distribution of literature by non-employees on Institute premises is prohibited at all times.

Good Housekeeping

Good housekeeping not only improves the appearance of our facilities, but also prevents fires, accidents, and personal injuries. You are responsible for keeping your work area clean and neat at all times. AIP counts on you to keep our work environment clean and safe. We urge you to discard or recycle all garbage in the receptacles provided throughout our buildings.

Our mutual effort in keeping AIP's work environment clean and professional in appearance at all times will make our time at work safer and more enjoyable.

Safety First

AIP maintains an active safety program. Your cooperation is a vital part of this program to protect you, your fellow employees and our visitors from injury. The following are some safety rules we would like you to pay particular attention to:

- Immediately report any condition or practice that appears unsafe to your supervisor.
- Operate only equipment that you are trained and authorized to use.
- Observe smoking regulations which permit smoking only in designated areas outside the buildings.
- In case of fire, designated people are stationed in each area to act as fire wardens. Please look to them for instructions, and obey their orders.
- Do not block fire corridors or fire exit doors. Furniture, equipment, or electric cords may not be stored in front of exit doors.
- Familiarize yourself with the location of fire extinguishers in all areas of our building.
- Approach walkways and intersections carefully. Do not run in the building.
- Drive cautiously in AIP parking areas.
- Become familiar with emergency evacuation procedures.
- Wear safety gear where necessary.
- Do not bring unauthorized visitors into AIP.
- Immediately report all injuries incurred by yourself, fellow employees, or visitors, however slight, to your supervisor, and the Personnel Division. They will assist in arranging for appropriate medical attention.

Smoking Policy

Smoking is prohibited in all AIP buildings. Those wishing to smoke may smoke outside the buildings but not at the front entrances.

Drug-Free Workplace Policy

It is the policy of the Institute, in compliance with federal, state, and local regulations, to prohibit the unlawful manufacture, sale, transfer, possession, or use of a controlled substance on the Institute's premises or work sites, including the Institute's vehicles and any private vehicles parked at Institute work sites, or while engaged in Institute activity at other locations. The Institute's Drug Free Workplace Policy is available in the Personnel Division.

Full compliance with the Drug-free Workplace Policy is a condition of employment and continued employment at the American Institute of Physics. Any employee who violates the policy shall be subject to discipline up to and including immediate discharge.

If You Must Leave Us

Your employment with AIP is not for any stated period, and you may resign at any time. We understand there may be circumstances which may necessitate the termination of your employment with us. We request that you provide your supervisor with as much advance notice as possible. Your thoughtfulness will be appreciated. Similarly, AIP may terminate the employment relationship at any time and for any reason. At the end of your employment, you will be paid for the time actually worked less any amounts you may owe the Institute at the time you terminate, such as tuition and travel advances or health coverage in accordance with state law.

A Few Closing Words

The information in this *Handbook* is general in nature. Should questions or discrepancies arise, established procedures will be consulted for complete details. The policies, benefits, and rules contained in this *Handbook* may be changed or deleted at any time.

Again, welcome to AIP. Please speak to your supervisor or Personnel Division if you have questions which are not answered by this *Handbook*.

Receipt of *Employee Handbook*

I have received a copy of the AIP *Employee Handbook* and understand that I am responsible for becoming familiar with the policies described in it. **I understand that the information contained in it represents management guidelines only which may be modified from time to time. This *Handbook* is not a contract. I understand that neither the *Handbook's* policies nor any other representations made by a management representative, at the time of hire or at any time during employment, are to be interpreted as a contract between the Institute and any of its employees. I further understand that my employment is voluntarily entered into, that I am free to resign at any time and that AIP may terminate the employment relationship whenever it determines that it is in its' best interest to do so, and do so with or without notice or cause. I understand that I am employed at will.**

Signature

Date

Employees Name (Printed)

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STATE REJECTS AIP'S CHARGE OF EMPLOYEE MISCONDUCT

The State of Maryland Department of Labor conducted a surprisingly detailed investigation into the circumstances under which the American Institute of Physics fired me. The investigation found that AIP fired me without real evidence that my book writing interfered with my work or the work of others. The state therefore rejected AIP's claim that I engaged in misconduct on the job by writing *Disciplined Minds*.

The investigation was prompted by my request for unemployment benefits. Eligibility for such benefits is limited to people who lose their jobs "through no fault of their own." So if you quit your job or are fired for misconduct, you may not be entitled to benefits.

An unemployment office examiner explained to me that "some employers send us information and indicate that they do not wish to dispute the claim." The American Institute of Physics didn't do that. Instead, AIP sought a ruling in its favor, which would not only punish me further and save AIP money, but also give AIP political support in the form of third-party validation of its action against me. Thus, AIP charged me with misconduct, telling the state that "The employee admittedly used company time to work on a personal project over an extended period of time." The state then had to investigate, to determine independently whether or not I had engaged in misconduct.

The centerpiece of the investigation was a hearing that took the better part of an hour, during which I offered a very different theory of why AIP fired me. I said that AIP fired me for political reasons — specifically, because management didn't like the critical content of the book and was looking for an excuse to get rid of a workplace activist.

Department of Labor examiner Tasha Owens conducted the hearing by telephone. I waived my right to representation, figuring that I could present the facts as well as anyone. Owens interviewed me first, for 28 minutes. To test the company's claim, she asked me questions about how much time at the office I spent writing the book. (A portion of break time.) To test my claim, she asked me questions about whether or not the company ever asked me how much time at the office I spent writing the book. (No, they didn't seem to care about that.)

At the end of the interview, Owens scheduled me for a follow-up interview to give me the opportunity to rebut points that AIP would make during its part of the hearing. However, Owens didn't call at the appointed time, and so I called her and asked why. She said, "There was nothing to rebut." Interestingly, AIP and I agreed about what I did, and disagreed only about whether or not my actions constituted misconduct. AIP, she said, "gave me the same information that you gave me."

Having gathered the facts, Owens had to make a decision. According to Susan R. Bass, an administrator in the office of the executive director of Maryland's unemployment insurance program, Owens had three levels of employee misconduct to choose from:

o Simple misconduct — Here the fired employee gets “delayed benefits,” which begin after a five to ten week waiting period.

o Gross misconduct — No benefits.

o Aggravated misconduct — No benefits, and reduced eligibility for benefits following subsequent employment.

Owens ruled that my work on the book didn’t even rise to the level of simple misconduct, and so she awarded me full benefits, which the American Institute of Physics had to pay for through increased unemployment insurance premiums.

AIP was given the opportunity to appeal the state’s finding, but did not do so. If AIP sincerely believed its own story that it fired me for real misconduct on the job, and not just for political misconduct, then I think it would have appealed. AIP would have appealed not only to save thousands of dollars, but also to dispel the implication that its motives for firing me weren’t squeaky clean.

Officially, the ruling means that AIP fired me for a reason other than “misconduct connected with the work.” Who will see that reason as anything other than political misconduct?

Jeff,

We welcome constructive and productive contributions from you, but behavior by you that we consider destructive and counterproductive will no longer be tolerated. Your continued interruption at our retreat, after you were instructed to hold your questions and comments until the discussion segment of the agenda, is an example of what we mean. The continuation of such behavior on your part, in the office or at any work-related activity, will not be tolerated.

This notice is to be treated as confidential.

cel
9/26/97

1 Oct. 97

Hi Jean —

They've put the squelch
on me. Harris and Benka
delivered it in person. — on 1 Oct. 97



S 001900

From: Graham Collins
To: JBARKER, CDAY, PELLIOT, SFUNK, apsdpost.GOODWIN, W...
Date: 24 Oct 1997 (Fri) 18:45
Subject: My coming silence

If you notice that I no longer say very much during staff meetings, it is because I have been firmly instructed not to criticise Steve Benka or Charles Harris during staff meetings. I am only permitted to criticise them in private discussions with them.

Since this instruction was conveyed to me because I made a truthful statement of fact at our 11 a.m. meeting on Wednesday (namely, that Charles, Lewis and Megan went to Lane Press, but Elliot, Rita and I did not, and Elliot, Rita and I have the most experience setting equations for PT), I have to interpret "criticise" very broadly. Consequently there will be very little for me to say at meetings.

-- Graham

PS: My absence on Monday will be because I have a vacation day scheduled.

S 001901

From: Graham Collins
To: JBARKER, CDAY, PELLIOT, TFEDER, SFUNK, apsdpost.GO...
Date: 28 Oct 1997 (Tue) 12:38
Subject: My coming silence -Reply

Irwin Goodwin replied to my message "My coming silence" as follows. He has kindly given me permission to distribute his reply to PT staff members. I also append my message, for the benefit of the two staff members who I did not include on my original routing list.

-- Graham

>>> Irwin Goodwin 10/26/97 07:02am >>>
Graham--

Your memo alarms me. I recall hearing your remark, and as lawyers often say, it seemed like eminently fair comment. Editorial meetings or, for that matter, any meetings around the office, will lose their purpose if the ruling you cite is imposed or implemented. Lest it is forgotten, freedom of speech is the cornerstone of journalism.

I understand that a similar muzzle was placed on another member of the staff a few weeks ago.

Have we come to this?

Irwin

<<<<<<

>>> Graham Collins 10/24/97 06:45pm >>>

If you notice that I no longer say very much during staff meetings, it is because I have been firmly instructed not to criticise Steve Benka or Charles Harris during staff meetings. I am only permitted to criticise them in private discussions with them.

Since this instruction was conveyed to me because I made a truthful statement of fact at our 11 a.m. meeting on Wednesday (namely, that Charles, Lewis and Megan went to Lane Press, but Elliot, Rita and I did not, and Elliot, Rita and I have the most experience setting equations for PT), I have to interpret "criticise" very broadly. Consequently there will be very little for me to say at meetings.

-- Graham

PS: My absence on Monday will be because I have a vacation day scheduled.
<<<<<

CC: SBENKA, CHARRIS

S 001902

From: Charles Harris
To: pt
Date: 1 Dec 1997 (Mon) 18:16
Subject: November 1997 Monthly Staff Meeting

This memo summarizes what we discussed at the meeting, with emphasis on the major topics discussed, conclusions reached, and action items agreed upon.

It's an effort to maintain communications and reduce misunderstandings among us, help keep us on track in terms of what we--individually and collectively--say we're going to do, and inform the PTers who weren't at the meeting.

I (or a volunteer) will prepare the same kind of summary memo after each of the subsequent monthly meetings. At the next meeting, let's discuss the usefulness of such memos, and whether this basic form should be modified.

TOPICS DISCUSSED

The principal topic we discussed (as agreed to at the outset) was communications.

Gloria led off the discussion by stating that the staff needs to know what's being planned and done regarding such matters as staffing, budgeting, management policies and plans that affect PT, and the member societies' attitudes toward PT.

Her remarks prompted discussion of the staff's involvement in the planning of the editorial calendar. Some people felt that the editors should be more involved in the process. I said I had no problem with that.

We then turned to the matter of staffing. Points made included the following:

- o PT currently has a tight budget that does not call for either staff expansion or staff reduction.
- o Some relief could be obtained by allocating some of Rita's salary to TIP and advertising (as is already done with mine and Carol's).
- o Rita currently has too much work to do, and needs relief. We briefly discussed ways of providing Rita -- and also Susan and Carol -- with assistance, but no specific decisions were explored.
- o Ray Ladbury will be writing Search stories on a part-time basis and as a part-time employee. His involvement will not increase the number of Search stories we run, in that Barbara and Gloria will be writing fewer Search stories for a while as they concentrate on other things. Nor will Ray's involvement have an impact on our freelance budget.
- o I noted that our current freelance budget is about \$22,000, and we discussed the possibility of using it in part to pay for the services of an outside copyeditor. One suggestion made was to use such a person to relieve Jean of her copyediting duties.

There followed an extended discussion of staff communications, specifically what I should communicate to the staff, when I should do so, and in how much detail. Points made included the following:

- o How much detail? The issue was left unresolved, but one suggestion was that in some cases the staff simply needed to be informed that a matter was under consideration.
- o I said I would provide the staff with more information than I have, but that I would continue to withhold certain confidential materials.
- o It was suggested that PT managers should trust the staff more, as well as provide information sooner and better (as could have been done vis-a-vis the contents of the special issues decided last spring). It was also suggested that the staff can contribute to what PT managers are doing (for example, with regard to the APS task force).
- o I volunteered to do a better job of communicating with the staff, and one of the ways I will do so -- with Carol's help -- is by making more use of our e-mail system. I also invited the staff to follow up with me on specific issues they have raised with me. In addition, I said I would arrange to have e-mail access to PT when I'm off-site (something I don't have now).

o We briefly discussed the "firewall" approach to management, under which managers try to shield staff from higher management.

o In terms of the APS task force to evaluate PT, I said that I have learned who's on the task force and will share that information with the staff. I also noted that my goal is to fend off outside influences on PT and PT editors, and Marc Brodsky supports that position.

o We engaged in an extended, open, and either spirited or acrimonious (take your pick) discussion of the dual issues of free speech and the basic rules of conduct, as well as the related events and difficulties that we have experienced over the past two months. In this case, we did reach agreement: That we will put the past behind us and stop exchanging accusations and counteraccusations; that we will abide by the basic agreement we had reached at our first monthly meeting, on 15 October, regarding rules of conduct, as slightly modified at this meeting (see below); and that this modified code of behavior supersedes all else on this subject that PT managers have communicated, formally and informally, verbally and in writing, to all or some members of the staff. I individually polled all of us present, in person or on the phone (absent were Bert, Irwin, and Steve), and we all agreed to abide by this arrangement. (In addition, I said I would send private memos to Graham and Jeff to rescind earlier directives.)

CONCLUSIONS REACHED

1. I will try to keep the staff better informed, with Carol's assistance, and will use e-mail more as a means of staff-wide communication, along with our regular monthly meetings.

2. Our agreed-upon code of behavior -- for staff and managers alike -- is that all of us will be respectful, tolerant, and courteous in dealing with one another, and that we are free to engage in constructive criticism and discussion without fear of retribution.

ACTION ITEMS

1. I'll communicate better, and also get myself equipped with remote e-mail access.

2. I'll send the staff a memo about the APS task force members.

3. I'll give private memos to Jeff and Graham as promised.

4. We'll all abide by the code of behavior.

5. We'll meet again for our third monthly meeting, on Monday, 15 December, from 10 a.m. to noon.

From: Charles Harris, Steve Benka (Charles Harris) (Charles Harris)
To: JSCHMIDT
Date: 2 Dec 1997 (Tue) 12:30
Subject: rescindment

As agreed in the last staff meeting, our mutual acceptance of a code of behavior supersedes any outstanding verbal or written reprimand to you or any member of the staff for any perceived violation of this code. Onward and upward!

S 001905

Subject: FYI: rescindment**Date:** Wed, 03 Dec 1997 09:48:35 -0500**From:** "Graham P. Collins" <gpc@sff.net>**To:** jak@interport.net, ar429@lafn.org, tfeder@wam.umd.edu, lugenbold@juno.com

FYI, here is how CH & SB rescinded my gag order. It came from CH's account, with the name in the From field changed to include both their names.

>>> Charles Harris, Steve Benka (Charles Harris) 12/02/97 12:27pm >>>

>

>** PRIVATE **

>

>As agreed in the last staff meeting, our mutual acceptance of a code of
>behavior supersedes any outstanding verbal or written reprimand to you
>or any member of the staff for any perceived violation of this code.
>Onward and upward!

About 45 minutes later, I replied with the following (to both CH and SB, including a copy of the above message).

>Thank you.

>

>(The contentious part of the reprimand in question related to a violation of
>a different, previously unstated code, but I'll accept this statement in the
>spirit intended.)

I suspect that they labored mightily over the wording of the rescindment (it did, after all, take them nearly 3 weeks), and yet they got it wrong. I shake my head in dismay.

-- Graham

S 001906

Praise for my work from...

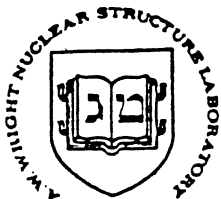
Future presidential science advisor

Nobel prize laureates

Prominent physicists

Editor of Physics Today (my supervisor)

Executive Director and CEO of American Institute of Physics



Yale University

A. W. Wright Nuclear Structure Laboratory

272 Whitney Avenue, P.O. Box 6666, New Haven, Connecticut 06511

D. Allan Bromley
Henry Ford II Professor
and Director
203-436-3026

T. J. F. -
Wright Nuclear Structure Laboratory

RECEIVED
SEP 6 1983
PHYSICS TODAY

August 24, 1983

Dr. Harold Davis, Editor
PHYSICS TODAY
American Institute of Physics
333 East 45th Street
New York, New York 10017

Dear Hal:

As you know, I maintain concern that nuclear physics gets adequate coverage in Physics Today. I write at this time to bring to your attention the possibility that two of my former colleagues, Robert J. Ascutto and Ernest J. Seglie, might be invited to prepare a paper on Grazing Collisions of Atomic Nuclei for publication in your journal. I have talked with them about this, and at my request, they have prepared a very general sort of talking outline which I enclose. It actually seems to me that this particular outline is much more appropriate for Scientific American than for Physics Today, but Bob and Ernie are the two guys who, perhaps more than anyone else, contributed to our understanding of these collisions and what they can tell us about the underlying dynamics and structure of nuclei. They can write a very elegant article for you. Since it turns out that both of them have won very significant awards for excellence in teaching and clarity in writing, and I think that you and your people would enjoy working with them.

Although both are excellent nuclear physicists, Bob Ascutto is presently completing his residency in pediatrics at the University of Connecticut Medical Center, and Ernie Seglie is a senior staff officer at the Institute for Defense Analysis in Washington. Together, they were members of the Physics Department here at Yale for a number of years. In Bob Ascutto's case, I made the mistake, as Chairman of the Department, of assigning him to teach medical physics to undergraduates. He became so intrigued by this that he decided to undertake a medical program at our medical school in parallel with his duties as an Associate Professor of Physics. Not only did he score at the top of his entire class but also during his last year of the program, he generated five Physical Review Letters which is no mean feat for someone working full-time at physics. In short, he is a very unusual individual.

S 001908

He and Seglie have worked together for many years and have just completed a major chapter for me as part of a treatise on heavy ion science that Plenum Press is publishing. It will be the definitive work on these grazing collisions for a great many years to come, and it is on that basis that I feel quite confident in recommending them to you for a Physics Today article.

I am contacting you at their request and have told them that I have forwarded the outline to you. If you have some interest in this, just drop me a note or give me a call at 203-436-3026 and I will put you in touch with the two of them directly.

In the meantime I must tell you that Jeff Schmidt did an absolutely outstanding job in editing the paper I had prepared on Neutrons in Science and Technology for presentation at the 40th Anniversary of Fermi's First Reactor at the University of Chicago. I made no changes whatsoever in what he had done. You really do not know how unusual that is because, almost inevitably, I end up having giant hassles with editors who work over my papers. Let me then put in a very strong plug for Jeff.

With warmest personal regards.

Sincerely yours,

Allan
(ms)

D. Allan Bromley

DAB:lal

S 001909

University of Illinois at Urbana-Champaign

College of Engineering
MATERIALS RESEARCH LABORATORY
104 S. Goodwin Ave.
Urbana, Illinois 61801
(217) 333-1370

May 14, 1982

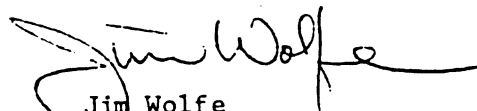
Dr. Tom von Foerster
PHYSICS TODAY
335 East 45th Street
New York, New York 10017

Dear Tom:

After sampling my approximate need, I would like to order 500 reprints of my PHYSICS TODAY article entitled, "Thermodynamics of Excitons in Semiconductors." This would include black-and-white article with four-color cover. Since the article is 8-1/3 pages, I estimate from your guideline sheet that the charge would be $\$110 + 4 \times \$17 = \$178$ plus cover at $\$230 + 2 \times \$26 = \$282$ for about \$460 total cost, plus some cost for 200 covers you now have. If this estimate is far off, let me know; otherwise, please initiate the order.

I am very pleased with the final product. The cover photo reproduced very well and the article and figures came out nicely. I was pleased with the interest and knowledgeability of Jeff Schmidt, whose thorough reading of the manuscript and interest in the material helped to make the article more readable. Thanks.

Sincerely,


Jim Wolfe
Professor of Physics

JW:dj

RECEIVED

MAY 21 1982

PHYSICS TODAY

S 001910



UNIVERSITY OF OREGON

May 14, 1984

Jeff Schmidt
Associate Editor
Physics Today
335 East 45 Street
New York, NY 10017

Dear Jeff:

With reference to your letter of May 9 and my telephone reply, I want to put in writing how very grateful I am for the superb editing job that you did on our article on atomic physics with synchrotron radiation. I wish I could write like that!

Will it be possible to order a few reprints, or extra copies of the June issue?

With best regards,

Sincerely,

A handwritten signature in cursive script, appearing to read "Bernd".

Bernd Crasemann
Professor of Physics

BC:sh

S 001911



The University of Wisconsin - Milwaukee

LABORATORY FOR SURFACE STUDIES

DIRECTOR: David S. Y. Tong

MILWAUKEE, WISCONSIN 53201

PHONE: (414) 963-5765, 4474

October 29, 1984

Dr. Harold L. Davis, Editor
Physics Today
335 East 45th Street
New York, NY 10017

Dear Harold:

Just a note to let you know that since the publication of my article, "Exploring Surface Structure" in Physics Today, I have received many responses. Most of the responses are from people that I have never met. This indicates how popular your journal is. One response characterized Physics Today as a "widely read and influential" journal.

I would like to take this opportunity to thank you for asking me to write the article. Also, I would like to thank Jeffrey Schmidt for his excellent editing work.

On the other hand, some comments from colleagues complain that their names or work were left out of the article. Incidentally, most of the complaints came from West Germany (I do not know the significance of this). I remember the difficult hours Jeffrey and I spent on cutting out names and paragraphs from the original draft. However, it is difficult to convince a colleague that a non-expert cannot care less for a name. They point out that department chairmen and industrial managers read these articles to judge the performance of their staff.

Surface structure is an active and dynamic area. Of the 26 surface techniques that I discussed in the article, I feel many of them deserve full length articles in your journal. I would support such future articles to be written by various authors.

Finally, I have ordered reprints and complimentary copies but have not yet received them. Could someone check on this for me please?

With best regards,

Yours sincerely,

S. Y. Tong

S. Y. Tong

RECEIVED

NOV 7 1984

PHYSICS TODAY

SYT:da

S 001912



THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

602/621-6970

LUNAR AND PLANETARY LABORATORY

February 22, 1985

Mr. Jeff Schmidt, Assoc. Editor
PHYSICS TODAY
335 E. 45th St.
New York, NY 10017

Dear Jeff:

With this letter I thank you for your help with the article on asteroids and comets in the February issue. I have had much editing experience myself, for the Space Science Series books of the University of Arizona Press, and it is through this training that I can appreciate the exceptional job you have done.

There was a considerable amount of rewriting that you guided me into patiently and the article is much better than my original version. Your thinking through the material and your questions step by step have actually clarified the material for me; where I had made a statement carelessly you would bring me up and bring about a clearer version.

I also admire your patience. Until the very end, with the material already set, I kept asking you for additions and changes because the field is changing so fast. You allowed all of these and I am most grateful.

If you ever want to move out West, we would love to have you at the Press and we could surely use your competence.

With best regards,


Tom Gehrels

TG/sm

cc: Dr. H. L. Davis

P.S. Would you have a few reprints of the article or a few February issues for me? As we discussed on the phone, I would now like to send this to the Soviet Union where there is an interest in publishing a translated version of the article.

S 001913

RÉPUBLIQUE FRANÇAISE

Jeff

COMMISSARIAT A L'ÉNERGIE ATOMIQUE

SERVICE DE PHYSIQUE
DU SOLIDE ET DE RÉSONANCE MAGNÉTIQUE

ORME DES MERISIERS - 91191 GIF-SUR-YVETTE CEDEX FRANCE

TÉLEX : ÉNERGAT SACLAY 690641 F

5 March 1986

Dear Gloria,

I was very pleased that my article was accepted for Physics Today without any major revision. I enjoyed interacting with Jeff Schmidt, and felt that he significantly improved the quality of the manuscript. I look forward to seeing the March issue.

With best wishes,

Yours sincerely,

John Clarke

RECEIVED

MAR 12 1986

PHYSICS TODAY.

S 001914

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF PHYSICS, B-019
LA JOLLA, CALIFORNIA 92093

April 14, 1986

Ms. Gloria B. Lubkin, Editor
Physics Today
335 East 45 Street
New York, N. Y. 10017

RECEIVED

APR 21 1986

PHYSICS TODAY

Dear Gloria,

It is unfortunate that our paths didn't cross during the March APS meeting in Las Vegas. Hopefully, I will have another opportunity to see you some time in the near future.

I am writing to thank you for inviting me to contribute the article "Novel Types of Superconductivity in f-Electron Systems" for Physics Today. I am very pleased with the way the article turned out, and I enjoyed working with you and Jeff Schmidt on it. I had the opportunity to meet Jeff in Las Vegas, to tell him how much I liked the article, and to thank him for his considerable effort he put into its preparation.

With best regards,

Sincerely,

Brian

M. Brian Maple

MBM:njm

S 001915



KUNGL. TEKNISKA HÖGSKOLAN
THE ROYAL INSTITUTE OF TECHNOLOGY

Stockholm, September 29, 1986

Department of Plasma Physics

Dr Gloria Lubkin
Physics Today
335 East 45 Street
New York, N.Y. 10017 USA

Dear Dr Lubkin,

I wish to thank you for the very nice presentation which Physics Today has given my paper "Plasma Universe". I believe that your publication will mean a breakthrough for the general understanding of plasma phenomena in astrophysics and the acceptance of ideas for which I have fought for more than 40 years.

Please convey my appreciation to Dr. Jeffrey D. Schmidt, with whom I have had a number of fruitful telephone conversations.

Yours sincerely,

Hannes Alfvén

Hannes Alfvén

Neel 1300.1e

RECEIVED

OCT 01 1986

PHYSICS TODAY

S 001916

FILE: NAGLE 377 QUEUE: TYP-OUT
IS: PT- FMT:
BY: J ;25/02,12:10 REV: ELLS ;12/03,08:41
12-MAR-87 09:24:14

11 March 1987, 3:30 pm.

This article has three tables.

Dr. Darragh Nagle and Dr. Mikkel
Johnson

Los Alamos National Laboratory
Mail stop H864

Los Alamos, New Mexico 87545

505-667-2971 (Nagle)

505-667-6942 (Johnson)

Dr. David Measday

Physics Department

University of British Columbia

6224 Agriculture Road

Vancouver, BC

Canada V6T 2A6

604-228-5098 (Measday)

604-228-3853 (physics department)

S 001917

Jeff -
You did a
nice job on
this article.
Kilmer
3/13

QUEENS COLLEGE

OF THE CITY UNIVERSITY OF NEW YORK

FLUSHING • NEW YORK 11367-0904

DEPARTMENT OF PHYSICS

TELEPHONE: 718-520-5000

March 31, 1987

Dr. Jeffrey Schmidt
PHYSICS TODAY
335 E. 45th Street
New York, NY 10017

Dear Jeff:

I want to thank you for your extraordinary efforts in ferreting out eye-grabbing photos of vehicle accidents. In fact, they captured my attention to the extent that I read the article yet again.

I think every aspect, the photos, layout, color, length, etc., have made a balanced and easily readable article. You have done a fine job of editing and I and my colleagues appreciate it.

Sincerely,



Arthur C. Damask
Professor

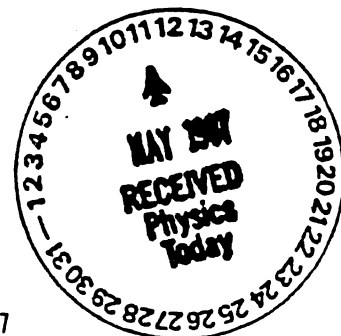
ACD:sa

S 001918



UNIVERSITY OF OREGON

Russell J. Donnelly
Professor of Physics
(503) 686-4226



May 5, 1987

Dr. Gloria Lubkin, Editor
Physics Today
140 East 45th Street
37th Floor
New York, NY 10017

Dear Gloria:

Now that my parts of the February and April Physics Today are published I want to thank you very much for making it all possible.

First of all, I thank you on behalf of the low temperature community for the nice series of articles on ^3He and ^4He . It was nice to think of being part of the good old low temperature community. Who the heck would have thought that by April superconductivity would be headed for temperatures created by ice and salt? I wonder what our friends will call themselves now?

I was also pleased by all the telephone calls on the Dana article. Not the least surprise was to find that Leo Dana is the person who got Dave Lazarus interested in science.

I would especially like to thank Jeff Schmidt, who worked closely and thoughtfully with me to make it all become real.

Yours sincerely,

Russell

Russell J. Donnelly

RJD:mcr
0401C

S 001919



AMERICAN INSTITUTE OF PHYSICS

335 EAST 43 STREET, NEW YORK, NEW YORK 10017 Telephone (212) 661-9404

Telex 960983 AMINSTPHYS.NYK

KENNETH W. FORD
Executive Director and CEO

28 October 1987

To: Gloria Lubkin
From: Kenneth W. Ford *KW*
Subject: Canavan - Bloembergen-Patel debate

Congratulations to you and your staff on a superb job of presenting the Canavan vs. Bloembergen and Patel material. It is very effective and much more readable than standard "debate" formats. The PT lead-ins help too. I am very impressed by the job you have done.

KWF:lab

cc: John Rigden

▲
OCT 1987
RECEIVED
Physics
Today

S 001920

V V

UNIVERSITY OF TOKYO

7-3-1 HONGO, BUNKYO-KU, TOKYO 113, JAPAN

FACULTY OF SCIENCE
DEPARTMENT OF PHYSICS

TELEPHONE: 03-812-2111
CABLE: TOKUNIV RIGAKU
TELEX: UTPHYSIC J23472

RECEIVED
NOV 13 1987
Physics
Today

13 November 1987

Dr. Gloria B. Lubkin
Editor, Physics Today
American Institute of Physics
335 East 45th Street
New York, NY 10017
U.S.A.

Dear Dr. Lubkin,

Thank you very much for your letter of November 6.

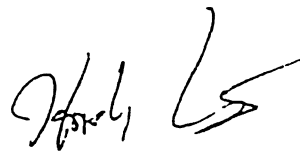
It was a great pleasure to meet you and to talk with you
in Washington.

I received the edited version of my manuscript. I was very
happy to see the beautifully edited version of my article.

I am now herewith sending you back a copy of right form which
you requested to fill out.

Many thanks again for inviting me to write an article in
Physics Today. I hope to see you again in the near future.

Yours sincerely,



Hiroshi Kamimura

S 001921

MOORHEAD STATE UNIVERSITY

A Century of Excellence / 1887-1987

March 10, 1988

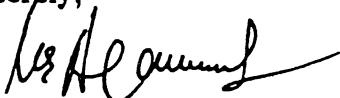
Ms. Gloria B. Lubkin, Editor
Physics Today
335 East 45th Street
New York, New York 10017

Dear Ms. Lubkin:

I acknowledge with thanks the receipt of your letter of March 7, 1988, informing me about the acceptance of my manuscript for publication in Physics Today (April issue). I am herewith enclosing the copyright form duly signed.

I take this opportunity to thank you and your associates, especially Jeff Schmidt, for bringing this project to a successful ending. It has been a very rewarding experience for me and I have very much enjoyed working with Jeff Schmidt.

Sincerely,



Vijendra K. Agarwal
Associate Professor
Department of Physics and Astronomy

VJK/lt
enclosure

S 001922

MAR 1988
RECEIVED
PHYSICS
10017

Giorgio
Margaritondo

Bitnet:
Giorgio@Wiscpsl

mail jma.
JS

**Synchrotron Radiation Center
University of Wisconsin-Madison**

3731 Schneider Drive
Stoughton, WI 53589-3097 - Phone (608) 873-6651

1988 April 21

Dr. Gloria Lubkin
Editor, Physics Today
335 East 45th Street
New York, NY 10017

RE: My article in Physics Today (April 1988)

Dear Gloria:

Now that my article has been published, I would like to thank you for giving me this opportunity to celebrate the 100th anniversary of Hertz's discovery. As usual, your staff has done an outstanding job in transforming my English-Italian into an impeccable text that Hemingway would not have minded to sign — and my poor pictures into super-sharp figures.

Would you please extend my thanks to the staff that was involved in the production of the article.

With my best regards.

Sincerely,



Giorgio Margaritondo
Associate Director for Research

GM:tlm

S 001923

*To Jeff Schmidt
With appreciation for considerable editorial
help.
Jerome Karle*

MACROMOLECULAR STRUCTURE FROM ANOMALOUS DISPERSION

Jerome Karle

S 001924



MASSACHUSETTS INSTITUTE OF TECHNOLOGY

DEPARTMENT OF PHYSICS

77 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139

Robert J. Birgeneau

Head of the Department of Physics
Cecil and Ida Green Professor
Of Physics

Room 6-113
(617) 253-4801
Telefax
(617) 253-8554

July 19, 1989

Dr. Gloria B. Lubkin
Editor, Physics Today
335 East 45 St.
New York, NY 10017

Dear Gloria,

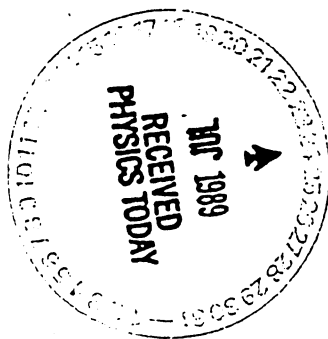
As you realize, our Liquid Crystal article finally appeared in Physics Today and it looks beautiful! I feel obligated to confess to you that you were quite correct in insisting that we simplify the original manuscript. Joel Brock and I have already gotten many compliments on the article - compliments we undoubtedly would not have received for the original version which was too technical. You should also congratulate Jeff Schmidt on a fine editing job. He was a pleasure to work with and he made a number of excellent stylistic improvements.

Best regards!

Yours sincerely,

Robert J. Birgeneau

RJB/km



S 001925

SEP 21 '89 08:53 AMINSTPHYS NYK

P.1/1

21 SEPT, 89

RCA SEP 21 02304
AMINSTPHYS NYK

411059 CERII SU

GLORIA B LUEKIN
EDITOR
PHYSICS TODAY
335 EAST 45TH STREET
NEW YORK N Y 10017
U S A

DEAR GLORIA,

THANK YOU FOR PROVIDING FREE OFFPRINTS. I HAVE ALREADY RECEIVED ABOUT TWENTY RESPONSES ON ENERGY AND MASS. MOST OF THEM ARE FAVORABLE, ONE CRITICAL AND SEVERAL CRAZY. HOW MANY LETTERS HAVE YOU RECEIVED IN CONNECTION WITH MY ARTICLE?

THE OFFPRINT LOOKS QUITE IMPRESSIVE, AND I'M GRATEFUL TO JOFFREY SCHMIDT FOR THIS. I HAVE ALSO RECEIVED A LETTER FROM PETER G. BROWN SAYING "WE ARE PLEASED TO ENCLOSE A COMPLIMENTARY COPY OF OUR JUNE ISSUE", BUT THE COPY ITSELF DID NOT ARRIVE.

I HAVE THE MOST WARM RECOLLECTIONS FROM MY VISIT TO YOUR OFFICE.

WITH CORDIAL WISHES,
LEV OKUN

AMINSTPHYS NYK

411059 CERII SU

S 001926

to U Jan 15

December 14 '89

Dear Gloria

= edited it.

I have just received a
copy of the December issue of Physics
Today. I want you to know how
very pleased I am with the way
my piece has come out. Please tell
that also to all those others who
worked on it.

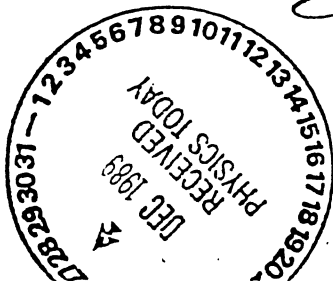
I am just back from hectic
but very pleasant days in Stockholm
where Ida and I attended the Nobel circus

Harmon's greetings

Yours

Bohr

S 001927



CALIFORNIA INSTITUTE OF TECHNOLOGY

Arthur Amos Noyes Laboratory of Chemical Physics, Mail Code 127-72
Pasadena, California 91125

AHMED H. ZEWAIL

LINUS PAULING PROFESSOR
OF CHEMICAL PHYSICS

MAY 1990
RECEIVED
PHYSICS TODAY

Telephone: (818) 356-8536
Telex: 675425 CALTECH PSD
FAX: 818-792-8456

May 9, 1990

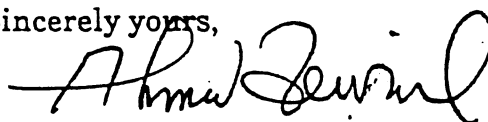
Dr. Gloria Lubkin
Editor
Physics Today
140 E. 45th Street (37th Floor)
New York, New York 10017

Dear Dr. Lubkin:

This letter is regarding the Physics Today special issue on Dynamics of Molecular Systems. As you know, I was one of the authors of the special issue, and I interacted with Jeff Schmidt in the process of producing our article. I wanted you to know that Jeff has made very important suggestions, and I really do appreciate his genuine interest in producing high quality articles. He is excellent and Physics Today is lucky to have him.

I was delighted to write the article, and I hope that this special issue will be of interest to your readers.

Sincerely yours,



Ahmed H. Zewail

AHZ:lm

S 001928



Department of Nuclear Engineering and Engineering Physics

University of Wisconsin

153 Engineering Research Building
1500 Johnson Drive
Madison WI 53706-1687
Phone (608) 263-1646

January 3, 1992

Professor James D. Callen
521 Engineering Research Building
1500 Johnson Drive
Madison, WI 53706-1687
Phone (608) 262-1370
FAX (608) 262-6707
CALLEN@UWM

Gloria B. Lubkin, Editor
Physics Today
335 East 45th Street, 37th floor
New York, NY 10017

Dear Gloria:

As you are undoubtedly aware by now, we have finally completed the two articles on "Progress Toward a Tokamak Fusion Reactor" and "Stability and Transport Processes in Tokamak Plasmas," which will be published in your January issue. I apologize for its taking so long for us to complete them – it took me being on sabbatical this year to have enough time to finally get them completed, even with Rob Goldston ultimately assuming the lead role on the first article. I appreciate your forbearance with our delayed schedule. We are especially pleased that both articles are being published in a single issue with a picture of TFTR on the cover since we now realize how unlikely that situation is under normal circumstances. Finally, I would like to note how helpful your technical editors, Jeff Schmidt and Graham Collins, have been in polishing up these articles and making them much more understandable to the physics community beyond plasma physics. In particular, I learned a lot about simplicity and precision in technical writing from Jeff Schmidt's careful, patient technical editing of my manuscript and my numerous clarifying discussions with him. This experience should be quite helpful to me in my present project – writing a graduate level textbook on plasma physics.

With regard to the free copies of the January issue and offprints which, according to your letter of 22 November, you will be providing for each article, could you please send all of them (total of 6 magazine copies plus 100 + 100 offprints) to me at my University of Wisconsin address. I will take care of distributing them equitably to the six coauthors of the two articles in this cooperative venture. For your reference, we are also ordering through the AIP 600 copies of a special offprint package comprised of the cover and the two articles.

As this saga draws to a close, I wish you the best of luck in dealing with authors and acquiring manuscripts from them in a timely manner – to get them into a magazine that has to be balanced and timely, but in any case must go out monthly. It must be a nerve-wracking job. Best wishes for continued success at it.

Sincerely,

James D. Callen
Kerst Professor of Nuclear Engineering
& Engineering Physics and Physics

JDC:blg
cc: J. Schmidt

S 001929

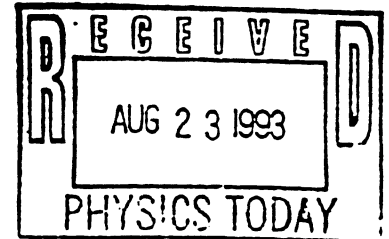


Department of History

West Virginia University

College of Arts and Sciences

20 August 1993



Dr. Gloria B. Lubkin
Editor
Physics Today
335 East 45th Street
New York, NY 10017

Dear Dr. Lubkin:

Thanks for yours of 4 August inviting Rick Slavings and myself to contribute a paper on "The Industrialization of American Astronomy, 1890-1940." We accept with great pleasure.

There is, however, one problem. My wife has been offered a deanship at University of Nebraska-Lincoln and the powers that be are working on a professorship for me. This process is still in an early stage, but may consume a fair amount of my attention and energy this fall. If the matter has a happy ending (and Nebraska would be a good venue for both of us), the new jobs will begin 1 January 1994. This entails moving. Of course, with the prospect of moving to College Park facing you and the PT staff, I need hardly say that even in the best of organizations, there will be some disruption and slippage. Thus I am not able to give you an exact date for delivery of a manuscript. I will do so just as soon as things become clear on this end. Late winter 1994 will be my goal. Earlier if possible.

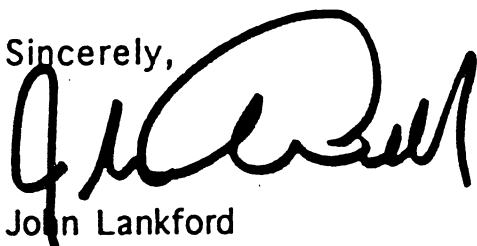
S 001930

Lankford to Lubkin, 20 August 1993

I have been reading on the topic of Big Science and want to recast the paper as follows. The new title would be something like: **THE MAKING OF BIG SCIENCE: THE INDUSTRIALIZATION OF AMERICAN ASTRONOMY, 1880-1940**. And we would begin with a paragraph placing the problem in the context of the history of big science. This will be done with appropriate references to physics as the exemplar of Big Science. The literature suggests that a major problem is understanding the pre-1940 roots of Big Science in America and this paper will be aimed at that problem. If all goes well, I will use this problem as the topic for my seminar at Nebraska when I go to interview. A little pre-testing feed back is always useful.

I hope that Jeff Schmidt will be assigned to work with me once you have the manuscript. He is first-rate and we worked very well together on the 1990 paper.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Lankford', written over the word 'Sincerely,'.

John Lankford
Professor of the History of Science

S 001931

KØBENHAVNS UNIVERSITET

NIELS BOHR INSTITUTET

Blegdamsvej 17, DK-2100 København Ø

PHONE: (+45) 3532 5200

PHONE, direct (+45) 353 25

TELEFAX, national: (31) 42 10 16

TELEFAX, internat: +45 31 42 10 16

TELEFAX

to:

Mr. Jeff Schmidt

page 1 of:

Telefax no.:

date:

2.
001-301-2090842
6/21/94

Ref.:

Dear Mr. Schmidt. Attached please
find corrections to my piece for Ph. Today.
I compliment you on your editing —
and on your excellent choice of pictures!
Perhaps it is too early to ask:

① How many free offprints

② How many can I order? Price?

I'd like them all with cover.

Please contact if there are further
questions.

Best regards as to
Gloria Bram-Far

S 001932

University of Illinois
at Urbana-Champaign

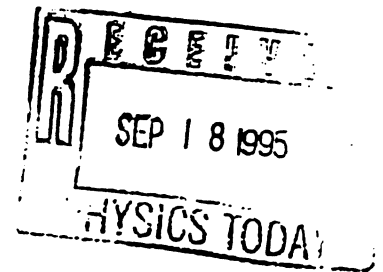
Department of Physics

James P. Wolfe

Loomis Laboratory of Physics
1110 W. Green Street
Urbana, Illinois 61801

Telephone: (217) 333-2374
Telefax: (217) 244-2278
E-Mail: j-wolfe@uiuc.edu

Jeff, FYI



September 8, 1995

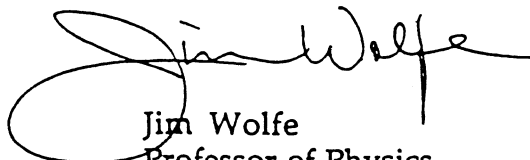
Stephen Benka, Editor
Physics Today
One Physics Ellipse
College Park MD 20740-3843

Dear Steve,

Many thanks to you and your staff for the excellent job you did with my article in the September 1995 issue of Physics Today. The graphics reproduced beautifully, and, of course, the cover is stunning. My interactions with Jeff Schmidt were very pleasant and constructive. The article benefitted greatly from your reviewers' suggestions; it is much better than the one I originally sent you.

The alliteration on the cover, "Seeing Sound in Solids," adds a nice touch. Thanks for inventing it. I will look forward to working with you again in the future.

Sincerely,


Jim Wolfe
Professor of Physics

S 001933

University of Illinois
at Urbana-Champaign

Department of Physics
Loomis Laboratory of Physics
1110 W. Green Street
Urbana, Illinois 61801

James P. Wolfe

Telephone: (217) 333-2374
Telefax: (217) 244-2278
E-Mail: j-wolfe@uiuc.edu

October 20, 1995

Jeff Schmidt
Physics Today
One Physics Ellipse
College Park MD 20740-3843

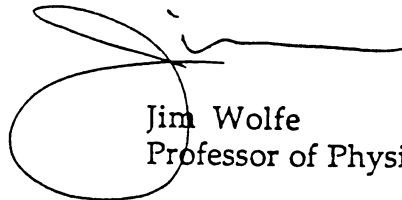
Dear Jeff,

Thanks for returning the graphics materials. It was a real pleasure working with you on the article. You and your staff did a terrific job.

I recently received a phone call from one of the organizers of the Acoustical Society Meeting (November, St. Louis) with a request to submit some of the "stunning" photos in Physics Today to their first Gallery of Acoustics. It is exciting to publish an article which has appeal to experts as well as (hopefully) the general reader.

I will look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Wolfe', written over a horizontal line.

Jim Wolfe
Professor of Physics

S 001934

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
DEPARTMENT OF PHYSICS

DANIEL KLEPPNER
Lester Wolfe Professor of Physics

address: MIT
room 26-237
Cambridge, MA 02139

phone: 617/253-6811
fax: 617/253-4876
dk@amo.mit.edu

November 22, 1995

Dr. Stephen G. Benka
American Institute of Physics

Dear Steve,

I am sorry to be tardy in giving you feedback on PT, but let me start to catch up by commenting on the October issue. I will not comment on every item on your list, only on topics for which I have something to say.

General: the issue strikes me overall as strong. The cover is spectacular (though the title "sounding out the sun" is a trifle cutesy- particularly since one looks rather than listens), and the balance of articles is excellent- encompassing physics, geophysics, and biography.

PHYSICS UPDATE: interesting topics. However, the opening line "A silicon device for triggering a nerve cell has been constructed...." is pretty dull, as is invariably the case with the passive. The other reports have a zippier style. The AC suggested better graphical design for the page. One thought- develop a set of small logos- say for quantum mechanics, medical physics, materials, etc.- that would give a quick identification of the area while also adding visual interest. These could be small and placed in the margin. You might run a design contest to get suggestions from the readers. That could be done electronically. You would have to think carefully whether it is worth the effort, but it might drum up reader interest.

REFERENCE FRAME. Preachy.

S 001935

LETTERS: The letter of Seaborg et al demolishes Gabbard's hypothesis, which raises the question of how Gabbard's letter got published in the first place. I haven't gone back to read it, but even Gabbard now disowns it. A more rigorous scientific review of his letter would have saved confusion. More seriously with respect to this column, the letters of Hayden, Ravnik and Cohen take up lots of space and do not add anything new. Your readers should not be led, as I was, to read a long correspondence and then find that most of it is simply overkill. In my opinion, PT should have published the Seaborg letter, a brief note to say that Hayden, Ravnik and Cohen had come to similar conclusions, and Gabbard's reply.

Ershkovich's letter on Sagdeev reinforces my view that Alpert's attack on Sagdeev was irresponsible and that PT was irresponsible in publishing it.

ARTICLE- QUANTUM INFORMATION...: This is a fascinating topic and Bennett writes with great authority. However, I must confess that I found it too difficult to follow. Perhaps that is the nature of the beast. However, the graphics are attractive and that always makes one feel friendlier.

ARTICLE- HELIOSEISMOLOGY. Once again, the topic is fascinating. In this case I thought that I could understand it, but the text did not grip me. Too often it turned into a catalog of facts. ("Three ground-based networks of imaging helioseismological instruments are in various stages of development.")

ARTICLE- SCHWINGER. I saw this paper in the manuscript stage and thought that it was very disappointing. However, in PT it is absolutely first rate. The pictures, particularly Rabi, Schwinger and Weisskopf, add a great deal, the title was improved and I suspect there was some editing. In any case, I enjoyed this immensely.

CAREER CHOICES. This is an excellent article, interesting in its own right and perfect for its goal of letting young physicists know the range of possibilities open to them.

BOOKS: The BEC volume is most timely, and makes a good headline for the section. The report of the Internet book points out that the book will be out of when the reader sees the review. Although the topic is pedestrian, the report provides a useful service. The new Feynman biography sounds pretty good but I question the need for yet another book. The review is relatively long. I would have opted for a briefer report. The book "Electric and Magnetic Interactions" is an undergraduate text. PT cannot hope to keep up with this category and should, in my opinion, leave it to AJP, which regularly reviews texts.

WE HEAR THAT: I am glad to hear of what is going on. I know that this column is not everyone's cup of tea, but it is mine.

OBITUARIES: The Ford obituary was extremely interesting to me. I knew Ford professionally but was never clear on what he had really done. He was somewhat of a joker which helped to obscure his accomplishments. The obituary is excellent. The other obituaries were also interesting to me as human documents. It is too bad that these stories must be told in a lugubrious context but I can't think of a suitable alternative.

I hope that these comments are useful. I will try to do the same for the November issue. However, if there are items for which you particularly want feedback, let me know and I will be sure to cover them.

Sincerely,



S 001936

PHYSICS TODAY

from Gloria B. Lubkin

2/3/97

Steve, Jeff,

Paul & Beverly,

Albert Wheelon ask
that if we receive
letters to the editor about
his article that we send
him copies.

He's very pleased with
the way his article
turned out.

S 001937

From: Stephen Benka
To: JSCHMIDT, bgl
Date: 14 Feb 1997 (Fri) 17:24
Subject: Thought you'd like to know

Jeff, Barbara,

I just got a visit from my PhD advisor, who had a major complaint about about December issue. The Sikvie and Amato articles were "too damn good" and he spent far too much time with the magazine.

I thought you'd like to know. Kudos to you both.

—Steve

S 001938

From: "Martin L. Perl" <martin@SLAC.Stanford.EDU>
To: Jeff Schmidt <jds@aip.org>
Date: 2 Sep 1997 (Tue) 17:13
Subject: Leptons After 100 Years Article

Dear Jeff

Thank you for changing my ugly duckling of a manuscript into a beautiful swan. You have done a wonderful job.

I have the following comments:

Page 35, column 2: the ***** in "See box 1 on page ***** 36 has not been inserted yet.

Page 39, column 2: the ***** in "See box 2 on page ***** 40 has not been inserted yet.

Page 36, bottom equation in column 2: space required between virtual and 20.

Page 38, Figure 4: TAU DETECTION scheme might be changed to TAU DETECTION apparatus.

Page 40, Box 2, column i: yes, each h should be an h-bar.

Page 40, References: the names in Ref. 3 are spelled correctly; in Ref. 10 the page number is 2074; in Ref 16 the page number is indeed 79c, it is a conference proceedings and every page has a c added to the page number.

Thank you so much Jeff for all your help and guidance. I am greatly looking forward to the issue.

Sincerely yours

Martin Perl

S 001939

From: Stephen Benka
To: jeff
Date: 5 Feb 1998 (Thu) 20:15
Subject: Sullivan & Barth

Jeff,

I've gone through both articles, and left them on your chair with my notes.

I think they make a great package for our readers. Thanks for your help getting them done in time.

--Steve

S 001940

From: Kai-Henrik Barth <barth002@tc.umn.edu>
To: Jeff Schmidt <jschmidt@aip.acp.org>
Date: 21 Apr 1998 (Tue) 11:05
Subject: reprints received

Dear Jeff,

I just came back from Europe and found the reprints of my article waiting for me on my desk in my university office. Thanks again for all your effort and time. I am very happy with the final product.

All the best

Kai

--

Kai-Henrik Barth
Program in History of Science and Technology
435 Walter Library
University of Minnesota
Minneapolis, MN 55455
612-626-8722 612-872-9323 (home)
barth002@tc.umn.edu
<http://umn.edu/home/barth002/>

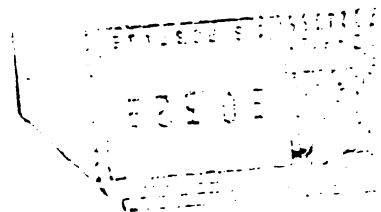
S 001941

We appreciate your outstanding performance.

Steve

Ceb

S 001942

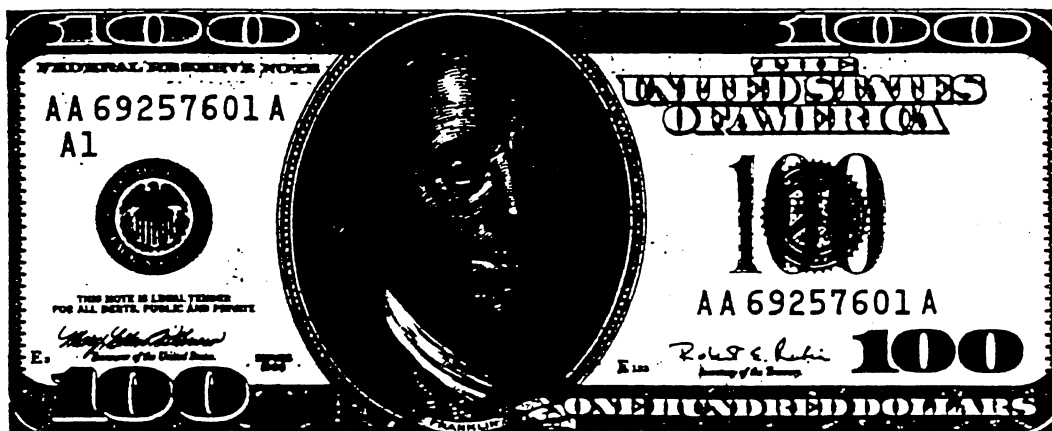


INTER - OFFICE MEMORANDUM

May 21, 1998

I, Jeffrey Schmidt, hereby acknowledge receipt of a cash "Pat on the Back" award in the amount of \$100. I understand that my year-end pay will reflect a "gross up" of this award.

J. Schmidt 23 May 98
Jeffrey Schmidt DATE



S 001943

FIRST PAGES
2 JUN 98

TRENDS IN ELECTROMECHANICAL TRANSDUCTION

Nicely
done

SB 6/2/98

In today's world, it is nearly impossible to avoid contact with electromechanical sensors and actuators over the course of the day, although we rarely recognize them. They drive the keyless entry systems, the light switches that respond to sound or motion, the detectors in cars that determine whether seat belts are fastened and the sound-receiving and sound-generating parts of the telephone, to name just a few examples.

Electromechanical transducers are devices in which one connection to the environment conducts electrical energy and another conducts mechanical energy. Examples include microphones, loudspeakers, accelerometers, strain gauges, resistance thermometers, solenoid valves and electric motors.

There are many ways to categorize transducers. The largest breakdown divides them into sensors and actuators. Transducers used to monitor the state of a system, ideally without affecting that state, are sensors. Transducers that impose a state on a system, ideally without regard to the system load (the energy drained by the system), are actuators. However, this division, although useful, doesn't get to the heart of what makes transducers work.

It is useful to consider transducers from the perspective of energy conversion mechanisms, an approach that also yields two broad classes of devices: those based on geometry and those based on material properties. An example of a geometry-based transducer is a condenser microphone, which is a parallel-plate capacitor with a DC voltage bias between the plates. Sound causes one of the plates to move, thus changing the gap between the plates. This change dynamically alters the capacitance and produces an output voltage. An example of a material property-based transducer is a piezoelectric accelerometer. Piezoelectric materials are those in which there is coupling between the electric field and the mechanical field so that imposed electric fields cause dimensional changes and applied material strains produce voltages. In a piezoelectric accelerometer, acceleration strains the transduction material, giving rise to an electric field that is sensed as a voltage. Of course, these two broad classes may be

The demand for more sophisticated sensors and actuators in industrial equipment and consumer products is behind today's push for new transducer materials and geometries.

By Ilene J. Busch-Vishniac

further refined either in terms of the function of the transducer (for example, sensing fluid flow) or in terms of narrower classes of energy conversion (for example, transduction based on piezoelectricity). The table on page 31 shows the main electromechanical transduction mechanisms. Here the definition of "mechanical" is very liberal, including thermal and optical phenomena.

The 1970s and 1980s brought dramatic changes in electronics and signal processing techniques, but only modest changes in electromechanical transducers. As a result, transducers are commonly the least reliable and most expensive elements in measurement and control systems. For this reason, there is a growing emphasis on the field of transduction, and significant changes are beginning to emerge.

Pervasiveness

In the last few decades, electronics have been incorporated into products of all sorts. Their growth in consumer products has been driven by two phenomena: the public's perception that low-technology (nonelectronic) devices are not as good as high-technology devices, and the push for products with "intelligence."

Low-technology devices whose market is being overtaken by high-technology counterparts range from office equipment such as staplers and pencil sharpeners to kitchen appliances such as juice squeezers. In many cases, we are replacing purely mechanical functions performed under human control by automated electromechanical operations, leading to the introduction of sensors and actuators.

The growing market for intelligent products (those with a decision-making process) comes from the desires to automate some functions that people perform and to add functions that people cannot perform. For instance, although people can control room lights by hand, they often prefer to employ motion or sound detectors and control electronics instead. Examples of intelligent products that extend certain functions beyond standard human performance are smoke detectors, automobile airbags and clothes dryers with autodry cycles.

The growth in transducer markets has been rapid and is predicted to continue on its current pace through the turn of the century. The sensor market alone rose to become a \$5 billion a year industry by 1990, with projections for a \$13 billion worldwide market by the year 2000—an 8% annual growth rate over the decade.¹

ILENE BUSCH-VISHNIAC is Temple Professor of Mechanical Engineering at the University of Texas at Austin and a visiting professor of aerospace and mechanical engineering at Boston University.

From: Stephen Benka
To: jeff
Date: 15 Jul 1998 (Wed) 12:34
Subject: A call from Segev

Jeff,

I just spoke with Moti Segev, who is very appreciative of your efforts on his article. He's quite happy with the result.

Well done.

--Steve

S 001945

From: Toni Feder <tfeder@wam.umd.edu>
To: stephen benka <sbenka@aip.acp.org>
Date: 5 Oct 1998 (Mon) 19:00
Subject: Praise for Jeff & Gloria

Hi Jeff,

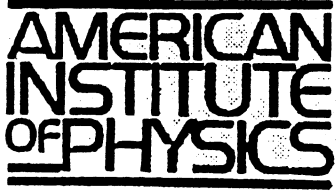
I saw Adrian Parsegian last week one evening when he was in Durham. He spoke extremely highly of you, saying how impressed he was with you, how articulate you are, and how much he enjoyed working with you on his article last year.

Just thought I'd pass this on....

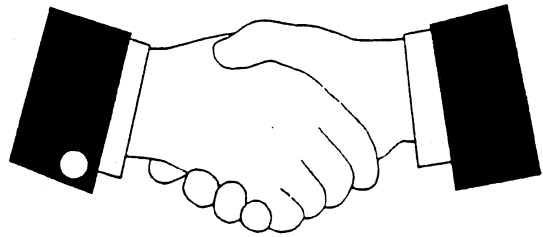
Oh, and while I'm at it, as I already told Gloria, in a conversation with MIT's Hale Bradt last week, he said he was generally impressed by PT, and recalled that some years back, he gave Gloria feedback on a "messed up" draft of a story on pulsars she'd sent him. He continued that he didn't see the article again until it appeared in print, and he was really impressed. "She got all the nuances right. She must be really good. I admire her."

Toni

S 001946



A I P INTER-OFFICE MEMORANDUM



To: Jeffrey Schmidt

From: T. C. Braun *TCB*

Extension: 2293

Date: February 8, 1999

Subject: Perfect Attendance

CONGRATULATIONS!!!! Our records indicate that you had perfect attendance for 1998. In accordance with our present policy, you have earned a cash incentive bonus of \$200 (subject to normal payroll taxes) and 2 bonus days. The bonus days must be taken within the year and may not be carried over into 2000. You will receive a separate check on payday, ~~25 February 1999~~. We thank you for your perfect attendance and wish you another healthy year in 1999.

17501-0
/

S 001947

From: Stephen Benka
To: Barbara Levi, Bert Schwarzschild, Charles Day, E...
Date: Wed, Jul 14, 1999 1:38 PM
Subject: ASA cites PT articles

I just learned that the Acoustical Society of America's "Science Writing Award to a Professional" went to Ilene Busch-Vishniac for her July 1998 article in PT, "Trends in Electromechanical Transduction." Jeff was the editor.

The previous such award from the ASA went to Mathias Fink for his March 1997 article in PT, "Time-Reversed Acoustics." Bert was the editor.

Well done, and well earned.

--Steve

CC: Dr. James Stith, Gary Squires, Jeff Bebee, Marc...

S 001948

GRAVITATIONAL RADIATION AND THE VALIDITY OF GENERAL RELATIVITY

Observing the speed, polarization, and back influence of gravitational waves would subject Einstein's theory to new tests.

Clifford M. Will

While the detection of gravitational radiation may usher in a new era of "gravitational wave" astronomy (see the accompanying article by Barry Barish and Rainer Weiss, on page *****), it should also yield new and interesting tests of Einstein's general theory of relativity, especially in the radiative and strong-field regimes. Consequently, we are in an unusual situation. After all, we rarely think of *electromagnetic* astronomy as providing tests of Maxwell's theory. Neutrino astronomy may be a closer cousin: We can observe neutrinos to learn about the solar interior or about supernovae, while also checking such fundamental phenomena as neutrino oscillations. To some extent, the usefulness of astronomical observations in testing fundamental theory depends upon how well tested the theory is already. At the same time, since general relativity is the basis for virtually all discussion of gravitational-wave detectors and sources,¹ the extent of its "upfront" validity is of some concern to us.

Although the empirical support for the theory of general relativity is very strong, it is still not as solid as the support for Maxwell's theory, and only in the last 35 years or so have precise tests been feasible. Furthermore, general relativity has not been tested deeply either in its radiative regime or in the regime of strong gravitational fields, such as those associated with black holes or neutron stars. (See figure 1.) Most tests, such as those carried out in the Solar System, check the theory only in its weak-field, slow-motion, nonradiative limit. One famous exception, the Hulse-Taylor binary pulsar, does provide an important verification of the lowest-order radiative predictions of general relativity and is sensitive to some strong-field aspects. Still, important tests of gravitational radiation and its properties remain undone. Furthermore, interesting, well-motivated alternative theories to general relativity still exist that are in agreement with all observations to date. Gravitational-wave tests will remain of interest to us to the extent that they can further constrain the theoretical possibilities.

There are three aspects of gravitational radiation that can be subjected to testing:

▷ The polarization content of the waves (general relativity predicts only two polarization states, whereas other theories predict as many as six).

▷ The speed of the waves (general relativity predicts a speed the same as that of light, whereas other theories predict different speeds).

▷ The back influence of the emitted radiation on the evolution of the source.

In this article, we discuss the three possibilities. First, though, we review the current status of tests of general relativity.^{2,3}

The Einstein equivalence principle

At the heart of gravitational theory is a concept called the Einstein equivalence principle, which modernizes Newton's postulate of the equivalence of gravitational and inertial mass. It states first, that bodies fall with the same acceleration regardless of their internal structure or composition (this piece of the Einstein equivalence principle is called the weak equivalence principle), and second, that the outcome of any local nongravitational experiment is both independent of the velocity of the free-falling reference frame in which it is performed (local Lorentz invariance) and independent of where and when in the universe it is performed (local position invariance).

The Einstein principle implies that gravitation must be described by a theory in which matter responds only to the geometry of spacetime. Such theories are called metric theories. General relativity is a metric theory of gravity, but so are many others, including the "scalar-tensor" theory of Carl Brans and Robert Dicke, a theory based on earlier work by Paul Jordan. Strangely enough, string theory—a leading contender for a unified theory of particle interactions and for a quantum theory of gravity—does not strictly satisfy the metric theory definition. In string theory, matter can respond weakly to gravitation-like fields, in addition to responding to geometry. Consequently, testing the Einstein equivalence principle is a way to search for new physics beyond standard metric gravity.

To test the weak equivalence principle, we can compare the accelerations a_1 and a_2 of two bodies of different composition in an external gravitational field. The resulting measurements will yield the difference in acceleration divided by the average acceleration, $2|a_1 - a_2|/|a_1 + a_2|$, called the Eötvös ratio after Roland, Baron Eötvös of Vásárosnamény, whose pioneering tests of the weak equivalence principle at the turn of the century formed a foundation for general relativity.

The best test so far of the weak equivalence principle has been a series of experiments carried out at the

CLIFFORD WILL (cmw@wuphys.wustl.edu) is chair of the physics department, and a member of the McDonnell Center for the Space Sciences, at Washington University in St. Louis, Missouri.

SB
8/27/99

Nice
article

Spacetime

From: "Jeff Schmidt" <jschmidt@aip.acp.org>
To: ACP.AIP(sbenka)
Date: Mon, Sep 27, 1999 3:43 AM
Subject: Compliment from Jerry Bernholc

Steve --

I got this nice note from Jerry Bernholc.

-- Jeff

>>> Jerry Bernholc <bernholc@ncsu.edu> 09/26/99 04:15pm >>>

Thank you very much for your help with the article and for your excellent editing job! I have already received quite a few nice comments. A number of people remarked that it was very well written.

CC: ACP.AIP(JSCHMIDT)

S 001950

I like at least
the recent research
reference. See p. 5 for
a possibility.

This reads very well.

First pages
21 Jan. 00

SB
1/23/00

ATMOSPHERIC INFRASOUND

Imagine a world in which you could hear not just nearby conversations and the noise of traffic a few blocks away, but also the sound of blasting in a quarry in the next state, the rumblings of an avalanche or volcano a thousand miles away, and the roar of a typhoon halfway around the world. Fortunately, nature has spared our senses from direct exposure to this incessant din. But our relentless quest to extend our senses has yielded instruments that can do just that—and more. Waves of infrasound, sounds at frequencies too low for us to hear, permeate the atmosphere and offer us insights into natural and human-made events on a global scale.

The term infrasound was coined by following the convention adopted nearly two centuries ago for light waves. The invisible, longer waves below the red end of the visible spectrum were called infrared, and shorter waves beyond the violet end were called ultraviolet. ("Infra" and "ultra" are from the Latin, meaning "below" and "beyond," respectively.) The nominal range of human hearing extends from about 20 Hz to 20 000 Hz, so the inaudible sound waves with frequencies below 20 Hz were dubbed infrasound, while those above the upper limit of 20 000 Hz were named ultrasound. (Many animals can hear beyond the human limits, as described in the box on page *****.) Following the optical convention even further, frequencies just below 20 Hz are known as near-infrasound, and frequencies below about 1 Hz are often called far-infrasound. Near-infrasound, if sufficiently intense, is often felt rather than heard—as you might have experienced when you pass cars equipped with "mega-bass" audio systems.

Interest in atmospheric infrasound peaked during the Cold War as one of several ways to detect, locate, and classify nuclear explosions (from global distances). Now, the Comprehensive Test Ban Treaty calls for a more sophisticated global sensor network to monitor compliance.¹ There is a need to ensure that tests of clandestine, low-yield nuclear devices can be detected under conditions of noise, cloud cover, or other masking situations underground, underwater, or in the atmosphere. An integrated global sensor array now being deployed would address this problem by coordinating observations from multiple ground-based sensor types, including seismic, hydroacoustic, and infrasonic arrays, working in concert. (See Jeremiah Sullivan's article on the Comprehensive Test Ban Treaty, PHYSICS TODAY, March 1998, page 24.)

In anticipation of a CTBT monitoring system, infra-

The search for ways to monitor compliance with the Comprehensive Test Ban Treaty has sparked renewed interest in sounds with frequencies too low for humans to hear.

Alfred J. Bedard Jr and
Thomas M. Georges

sound research has returned full circle to its origins. In this article, we review the science and technology of atmospheric infrasound, beginning with a brief history of its Cold War beginnings. Our focus, however, is on the richness of Earth's infrasonic environment, unheard and unknown until instruments were built to detect and record it. Practical applications of this new

science are just now being contemplated. (See figure 1, for example.)

A little history

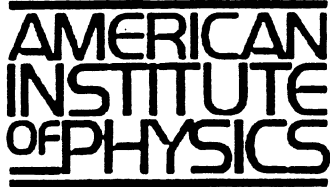
Pressure waves from very powerful explosions may be detected after traveling several times around the Earth. Two famous pre-nuclear instances were the explosion of the Krakatoa volcano in 1883 and the Great Siberian Meteorite of 1909. Following each of these events, sensitive barometers around the world recorded impulsive pressure fluctuations as traces on paper charts. Later, meteorologists collected these charts from stations around the world and, by comparing arrival times, were able to reconstruct the progress of pressure waves radiating outward from the source at the speed of sound, sometimes passing an observing station two or three times.

But these disturbances pale when compared with the political shock waves from the explosion of the first Soviet atomic bomb in 1949. Cold War fears stimulated a flurry of "remote sensing" research—much of it classified—to detect and locate nuclear explosions at global distances. Among the technologies explored during those early years of the Cold War were seismic arrays, electromagnetic (radio to gamma-ray) sensors, and arrays of microphones to listen to very-low-frequency sound waves in the atmosphere.

In the early 1950s, a number of institutions contributed to the successful deployment of a global infrasonic monitoring network. Lewis Strauss, in his book, *Men and Decisions*, describes recording low-frequency air waves at the National Bureau of Standards in Washington, D.C., following a 1954 nuclear test in the Pacific. He took the recording to President Eisenhower and played a sped-up version that made the recording audible. Strauss emphasizes the strategic importance, during those early Cold War years, of nuclear intelligence provided by a worldwide monitoring system that included both remote sensing and a radionuclide sampling program.²

Early defense-driven infrasound research had multiple foci, including mathematical models for the intensity and spectrum of sound waves generated by various kinds of explosions, how these waves propagate long distances through the atmosphere, what kinds of sensors would be best suited for detecting their signatures, and how those signatures could be extracted from a bewildering variety of natural and human-made infrasonic noise. The Limited Test Ban Treaty of 1963, which prohibits testing of

ALFRED BEDARD is a research scientist at the National Oceanic and Atmospheric Administration's Environmental Technology Laboratory, in Boulder, Colorado. THOMAS GEORGES is a research scientist at the NOAA/Colorado State University Cooperative Institute for Research in the Atmosphere, also in Boulder.



A I P INTER-OFFICE MEMORANDUM

To: Jeffery Schmidt/Physics Today

From: T. C. Braun *CCB* Extension: 2293

Date: 11 February 2000

Subject: Perfect Attendance

CONGRATULATIONS!!!! Our records indicate that you had perfect attendance for the year 1999. In accordance with our present policy, you have earned a cash incentive bonus of \$200 (subject to normal payroll taxes) and two bonus days. The bonus days must be taken within the year 2000 and may not be carried over into 2001. You will receive a separate check on payday, 24 February 2000. We thank you for your perfect attendance and wish you another healthy year in 2000.

S 001952

From: "Johnson, Anthony" <johnsona@ADM.NJIT.EDU>
To: "jschmidt@aip.org" <jschmidt@aip.org>
Date: Sat, Apr 8, 2000 5:23 PM
Subject: Physics Today article

Dear Jeff:

I now have the galleys and I am quite impressed with how quickly you put together the two pieces. I am also quite happy with the editing of my submission. I only have one question and suggested minor change. The first paragraph of the article: The number of jobs posted that I received from Ed Goldin, shortly after the OFC conference was 2000. Is it safe to assume that the 3400 number that you are using is the updated number and not a typo? If all is well then this is an even more dramatic sign of opportunity in the field and warrants more accentuation. I suggest italics and an exclamation point for the following: "... 11 jobs per seeker!"

You've done a wonderful job and I have no further changes or comments. I will be visiting the School of Optics at the University of Central Florida on Monday and Tuesday and if you should need to get hold of me for some reason, my hosts are Professors Eric Van Stryland and George Stegeman. The Administrative Assistant at the School of Optics is Sarah Pimentel (Tel: 407-823-6916).

Best Regards,

Anthony

CC: "sbenka@aip.org" <sbenka@aip.org>, "Crawley, Re..."

S 001953

Jeff, this article is very good—
you've brought it a long way. —Steve

25 pages
16 Nov. 99

SB

11/17/99

MOTILE BEHAVIOR OF BACTERIA

Escherichia coli is a single-celled organism that lives in your gut. It is equipped with a set of rotary motors, each of which is only 45 nm in diameter and drives a long, thin, helical filament that extends several cell body lengths out into the external medium. The assemblage of motor and filament is called a flagellum. The concerted motion of several flagella enables a cell to swim. A cell can move toward regions that it deems more favorable by modulating the direction of rotation of its flagella. It does this modulation by measuring changes in the concentrations of certain chemicals in its environment (mostly nutrients) and deciding whether life is getting better or worse. Thus, in addition to rotary engines and propellers, *E. coli*'s standard accessories include particle counters, rate meters, and gear boxes. This microorganism is a nanotechnologist's dream. Let us examine the features that make it so, from the perspectives of several scientific disciplines: anatomy, biology (genetics), chemistry, and physics.

What made the discovery of *E. coli* and its properties possible? The tale has two geneses. One involves light microscopy and begins in the 17th century, when Antoni van Leeuwenhoek first observed swimming bacteria.¹ (See box 1.) The other involves molecular genetics and begins in the 20th century, when Joshua Lederberg demonstrated that bacteria have sex, as evidenced by their genetic recombination.² (See box 2.) Lederberg studied *E. coli* and *Salmonella typhimurium*, two closely related organisms. They are the principal subjects of work now being done on bacterial chemotaxis (the motion of bacteria toward chemical attractants or away from chemical repellents). That work has yielded an important model for understanding organisms' behavior at the molecular level.

Anatomy of *E. coli*

E. coli (like *S. typhimurium*) is a cylindrical organism with hemispherical endcaps (as figure 1 shows). The cell, which weighs only 1 picogram, is about 70% water. Some strains are flagellated and motile; others are nonflagellated and nonmotile. When motile cells are grown in a rich medium (such as salts plus a mixture of amino acids), they swim in the direction of their long axis at a rate of about 35 diameters per second, often changing course but rarely stopping.

The chromosome of *E. coli* consists of a single double-stranded chain of DNA about 700 times longer than the body of the cell. There are 4 639 221 base pairs specifying 4288 genes, most of which encode proteins.³ The functions

E. coli, a self-replicating object only a thousandth of a millimeter in size, can swim 35 diameters a second, taste simple chemicals in its environment, and decide whether life is getting better or worse.

Howard C. Berg

the mother cell is replaced by two daughters, essentially identical to the daughters of the previous generation. The molecules of DNA in the members of a given set of descendants are identical except for mutations, which occur spontaneously for a given gene, at the rate of about 10^{-7} per generation.

If well fed and held at the temperature of the human gut (37 °C), *E. coli* can synthesize and replicate everything it needs to make a new copy of itself in about 20 minutes. Thus, if we start at noon today with one cell (and lots of food), by noon tomorrow there will be $2^{72} = 4.7 \times 10^{21}$ cells—enough to pack a cube 17 meters on a side! This replication rate explains why single cells dispersed on the surface of the hard form of nutrient agar soon become mounds of cells (colonies) a millimeter or so in diameter and why, in soft agar, the motile progeny of a single cell soon populate the entire plate.

Genetic analysis

A fully functional cell line, or strain, found in the wild is called a wild type. If a mutant cell is found that is missing a particular function, the gene carrying the mutation is named for that missing function. For example, a *che* gene is one encoding a protein (polypeptide) required for chemotaxis. A cell with such a defect develops flagella and swims, but it does not respond normally to chemical stimuli. The first gene of this type to be identified is called *cheA* (in italics), the second is called *cheB*, and so on through the alphabet. When the protein encoded by the gene is identified, it is called CheA (capitalized and in roman type).

In bacterial chemotaxis, besides the *che* genes, we encounter *fla* genes, so named for their defects in the synthesis of flagella (these genes are now called *flg*, *flh*, *fli*, or *flj*, because there turned out to be more than 26). There are also *mot* genes, named for defects in motility, or generation of torque. And there are a variety of genes that specify specific chemoreceptors; one, for example, *tar*, is a gene encoding the chemoreceptor Tar, which is so named because it mediates taxis toward the amino acid aspartate and away from certain repellents. The soft-agar plate shown in box 2 was inoculated with wild-type cells at the top, cells of a *tsr* (the *s* stands for serine) strain at the right, cells of a *tar* strain at the bottom, and cells of a smooth-swimming *che* strain at the left.

HOWARD BERG is a professor of molecular and cellular biology, and of physics, at Harvard University in Cambridge, Massachusetts, and a member of the Rowland Institute for Science.

S 001954

has can
on either a
ht or left-hand page.

Another excellent article!
—Steve 11/23/99

First pages
23 Nov. 99

PHYSICS AND THE INFORMATION REVOLUTION

In the fourth century BC, a young man named Pythias was condemned to death by Dionysius, the tyrant of Syracuse, for plotting against him, but Pythias was granted three days' leave to go home to settle his family's affairs after his friend Damon agreed to take his place and be executed should Pythias not return. Pythias encountered many problems but managed to return just in time to save Damon. Dionysius was so struck by this remarkable and honorable friendship that he released them both.

The decades-old friendship between computer technology and physics has also been a remarkable and honorable one, and it, too, has produced salutary results. Present-day experimental and theoretical physicists depend on computing, and have incurred a debt that they have repaid many times over by making fundamental contributions to advances in hardware, software, and systems technologies. (Figure 1 shows an experimental computer and one of its developers.)

In this article, we discuss the physical and economic limits to the geometrical scaling of semiconductor devices that has been the basis of much of the computer industry's progress over the last 50 years. We then look at some of the options that may be available when we come up against fundamental physics barriers sometime after 2010.

Disruptive technology

The first stored-program electronic computer, ENIAC (the Electronic Numerical Integrator and Computer), was built in 1946. A major triumph for vacuum-tube technology, ENIAC could add 5000 numbers in one second. At that rate, it could calculate the trajectory of an artillery shell in only 30 seconds, whereas an expert human with a mechanical calculator would have needed some 40 hours to complete the task. The machine was large (see figure 2)—and expensive. ENIAC...

- ▷ Contained 17 468 vacuum tubes
- ▷ Weighed 60 000 pounds
- ▷ Occupied 16 200 cubic feet
- ▷ Consumed 174 kilowatts (233 horsepower)Ⓢ

The amount of energy ENIAC expended to compute a single shell trajectory was comparable to that of the explosive discharge required to actually fire the shell. ENIAC was still the fastest computer on Earth nine years later, when it was turned off because the US Army could no longer justify the expense of operating and maintaining it.

JOEL BIRNBAUM is chief scientist at Hewlett-Packard, in Palo Alto, California. STANLEY WILLIAMS is *****a or "the"***** senior principal laboratory scientist at Hewlett-Packard Laboratories.

Quantum physics holds the key to the further advance of computing in the postsilicon era.

Joel Birnbaum and R. Stanley Williams

Even in the early days of ENIAC, though, technologists dreamed of smaller, faster, and far-more-reliable computers. An article by a panel of experts in the March 1949 issue of *Popular Mechanics* confidently predicted that someday a computer as pow-

erful as ENIAC would contain only 1500 vacuum tubes, weigh only 3000 pounds, and require a mere 10 kilowatts of power to operate. Such a machine would be about the size and weight of an automobile, said the experts, with power consumption to match. What was intended to be a bold projection seems quaintly conservative to us now. These days, a palmtop computer is thousands of times more powerful than the ENIAC was.

The reason for the experts' now-laughable error is that their prediction was based on the wrong foundation—reasonable extrapolation of the in-place vacuum-tube technology. The transistor, which had already been invented and represented a disruptive technology—that is, a technology that could totally displace vacuum tubes in computers, as electronic calculators later replaced slide rules—was completely ignored.

By 1949, after 40 years of development, vacuum-tube technology was mature, and the associated manufacturing infrastructure was enormous. In 1938 the vacuum tube had still been a decade away from its ultimate accomplishment. But already there was a significant search for something that would be better: a solid-state switch. The development of that switch required a great deal of basic research, both in materials purification and in device concepts.

Even though transistors as discrete devices had significant advantages over vacuum tubes and progress on transistors was steady during the 1950s, the directors of many large electronics companies believed that the vacuum tube held an unassailable competitive position.

Their companies were eventually eclipsed by the ones that invested heavily in transistor technology R&D and that were poised to exploit new advances. As we shall see, there are eerie parallels with the situation today.

Moore's law

Gordon Moore of Intel Corp was the first to quantify the steady improvement in gate density when he noticed that the number of transistors that could be built on a chip increased exponentially with time. (See figure 3.) Over the past 24 years, that exponential growth rate has corresponded to a factor-of-four increase in the number of bits that can be stored on a memory chip in every device generation of about 3.4 years—an increase of 16 000 times!

This exponential growth in chip functionality is closely tied to the exponential growth of the chip market,

S 001955

From: Stephen Benka
To: Jeff Schmidt
Date: 8/19/99 7:09pm
Subject: First thoughts on your response to the review

Jeff,

Because you didn't have time to discuss your response to your review when you gave it to me, here are my initial thoughts on the inaccuracies that you perceive. Let's discuss this further as soon as possible.

Your example #1: You neglected to mention that, initially, you had wanted to count Goldstein as one long article, not two. However, because you had completed Goldstein within the previous review cycle, and because you were two full articles short of your already reduced (because of your cancelled paternity leave) production goal for last year, we counted them as two and included them in that cycle. This ensured that you would receive an "acceptable" rating, which was clearly in your best interest.

Each editor who worked on decadal excerpts for the anniversary issue did the equivalent of one full article's work in his or her decade. There would be no reason to count yours otherwise, except that your work on your decade had to be largely redone by someone else.

As of today, to my knowledge, the Will article is not yet completed. If it were, I would count it as an article completed within this review period.

Your example #2: You are right that I should have discussed the change of weights with you. I apologize for not having done so. Let's discuss and agree on your job description as soon as possible.

Your example #3: My description is accurate.

Your example #4: Your appeal to Charles Harris, Theresa Braun, and James Stith was the proper procedure to follow. However, as we discussed earlier today (and at other times), your surreptitious circulation of your response to the staff was entirely inappropriate.

I still would like you to tell me which member or members of the staff you have discussed this year's review with.

—Steve

S 001956

✓ Messages to my coworkers Paul Elliott, Toni Feder, Jean Numagai and Warren

Juno e-mail printed Fri, 20 Aug 1999 14:14:46, page 1

From: Jeff Schmidt <jeff-schmidt@juno.com>
Received: (from jeff-schmidt@juno.com)
by m4.jersey.juno.com (queuelmail) id EJGYUQBF; Fri, 20 Aug 1999 14:04:47 EDT
Return-path: jeff-schmidt@juno.com
To: lugenbold@juno.com, tfeder@wam.umd.edu, jak@interport.net
Cc: jeff-schmidt@juno.com
Date: Fri, 20 Aug 1999 14:04:47 EDT
Subject: Naming names
Message-ID: <19990820.140725.15951.0.jeff-schmidt@juno.com>
X-Status: Read
X-Mailer: Juno 1.49

Hi Paul, Toni and Jean,

I just sent the message below to Warren. I don't know if he will get it before Tuesday, when he is next in the office. As you will see, it applies to you, too, but I thought it would be best to keep the message to Warren separate. (Please be careful not to mention his name in the context of this stuff.) Any suggestions or offers?

Jeff

Hi Warren,

My discussion with Steve Benka about my performance review took place yesterday afternoon (Thursday 19 August 1999). It went more or less as expected (he basically didn't budge), except for one thing: He indicated that what he said about me in the review was confidential. At first I took that to mean that the review was confidential like a doctor's report, which goes only to the patient, to protect the patient's privacy. But it quickly became clear that what he meant was that he didn't want me to tell anyone what he said about me in the review -- for his protection, not mine.

I responded by saying that most of the staff doesn't understand "confidential" to mean that they are forbidden to talk about their reviews (it is often necessary to talk about a review to check its accuracy), and I pointed out that they commonly discuss such things with their coworkers. Besides, I said, in this case it's too late, because I have already discussed it with a coworker (more than one, actually), and I didn't ask that person not to discuss it with others. So lots of people could know about it by now (I'm sure they do).

Benka appeared to be genuinely surprised and disturbed that people talk to each other about these things. I told him that I was surprised that he was surprised. I said that lots of people here talk to each other about everything, and that's a good thing -- it's a sign of closeness. He was also disturbed that I had discussed the review with a coworker, and he asked me to tell him who it was. (I won't do that, of course.) I said that I didn't want to get anyone in trouble. He indicated that he still wanted to know. So I offered to ask the person if it would be ok to mention his or her name. At the end of the meeting, Benka said again that he wanted to know who it is. And a few hours later, at the end of a not-very-interesting e-mail message to me about other aspects of the review, he wrote this:

S 001957

>I still would like you to tell me which
>member or members of the staff you have
>discussed this year's review with.

>--Steve

So I am now contacting all the people whom I think know about my review, to get their ideas on what I should tell Benka.

Jeff

Get the
Internet just the way you want it. Free software, free e-mail, and free Internet
access for a month! Try Juno Web: <http://dl.www.juno.com/dynoget/tagj>.

S 001958

From: Toni Feder <tfeder@wam.umd.edu>
Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])
by m4.jersey.juno.com with SMTP id AAA555HGZAWJHMDS
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Fri, 20 Aug 1999 14:22:15 -0400 (EST)
Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53])
by mx2.jersey.juno.com with SMTP id AAA555HGZATTN59J
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Fri, 20 Aug 1999 14:22:15 -0400 (EST)
Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])
by mx5.boston.juno.com with SMTP id AAA555HGZAKSV2Y2
(sender <tfeder@wam.umd.edu>);
Fri, 20 Aug 1999 14:22:15 -0400 (EST)
Received: from wam.umd.edu (async249-51.async.duke.edu [152.3.249.51])
by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id OAA02801;
Fri, 20 Aug 1999 14:22:11 -0400 (EDT)
Return-path: <tfeder@wam.umd.edu>
Reply-To: tfeder@wam.umd.edu
To: Jeff Schmidt <jeff-schmidt@juno.com>
Cc: lugenbold@juno.com, jak@interport.net
Date: Fri, 20 Aug 1999 14:25:15 -0400
Subject: Re: Naming names
Message-ID: <37BD9D7F.A57F16F9@wam.umd.edu>
References: <19990820.140725.15951.0.jeff-schmidt@juno.com>
X-Status: Read
X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

Hi Jeff, Jean, Paul,

obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association -- why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people. Also, don't forget, Chas is among those people.

I don't know what you should tell him-- just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request? something like that.

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."

You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff....

Toni

S 001959

From: "Jean A. Kumagai" <jak@interport.net>
Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])
by mx2.jersey.juno.com with SMTP id AAA555KHS AZ77UWS
for <jeff-schmidt@juno.com> (sender <jak@interport.net>);
Fri, 20 Aug 1999 14:56:48 -0400 (EST)
Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53])
by mx2.jersey.juno.com with SMTP id AAA555KHS AXKWHG2
for <jeff-schmidt@juno.com> (sender <jak@interport.net>);
Fri, 20 Aug 1999 14:56:48 -0400 (EST)
Received: from amsterdam.interport.net (amsterdam.interport.net [199.184.165.19])
by mx5.boston.juno.com with SMTP id AAA555KHS APY897A
(sender <jak@interport.net>);
Fri, 20 Aug 1999 14:56:48 -0400 (EST)
Received: from [209.122.227.240] (209-122-225-172.s172.tnt1.nyw.ny.dialup.rcn.com
[209.122.225.172])
by amsterdam.interport.net (8.8.5/8.8.5) with ESMTP id OAA01347;
Fri, 20 Aug 1999 14:56:57 -0400 (EDT)
Return-path: <jak@interport.net>
In-Reply-To: <37BD9D7F.A57F16F9@wam.umd.edu>
To: tfeder@wam.umd.edu, Jeff Schmidt <jeff-schmidt@juno.com>
Cc: lugenbold@juno.com, jak@interport.net
Date: Fri, 20 Aug 1999 14:58:36 -0500
Subject: Re: Naming names
Message-ID: <v03110711b3e35d5dc946@[209.122.227.240]>
References: <19990820.140725.15951.0.jeff-schmidt@juno.com>
X-Status: Read

Hi Jeff (and Toni and Paul),

I don't know what would be the best way to respond to Benka. I personally don't mind if you tell him you talked to me. On the other hand, if you think it would be stronger to say that nobody wanted their name revealed for fear of retribution, then I definitely do not want you to mention my name.

You can also tell Benka that I agree with everything in both of your responses to your performance reviews, that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your distributing your appeal to the staff) will only get worse if he doesn't improve his attitude. You might also add that management's increasingly repressive policies may soon lead to the voluntary departure of one of its best editors. :)

Should I tell anybody else on the staff about your review? It will have to

S 001960

wait until after I get back from Maine.

Jean

At 2:25 PM -0400 8/20/99, Toni Feder wrote:

>Hi Jeff, Jean, Paul,

>

>obviously I don't think you should tell Steve whom you discussed your review
>with. Since he is so harsh with you, it would only impugn those people by
>association -- why does he want that info? It seems he would use (or at least
>hold) it against us. So I absolutely don't want him to know I am among those
>people. Also, don't forget, Chas is among those people.

>

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>felt that it would be used against them? Or more simply, they felt
>uncomfortable with that request? something like that.

>

>

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>coworkers were private, and they feel it would be an invasion of their privacy
>for me to reveal their names just because they talked with me. I'm sorry I
>can't reveal anyone's name."

>

>You could add something reassuring, if you can think of anything. Something to
>let him know you are not planning or inciting a rebellion among the staff....

>

>Toni

S 001961

From: Warren Kornberg
To: Jeff Schmidt
Date: 8/20/99 8:11pm
Subject: Re: Naming names

Jeff:

1--e-mail is not confidential, and if you want to be sure, it should not be used for things (like naming names) you do not want discussed.

2--I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your business. If you want to tell him you talked to me, that, too, is your business; I don't really care. But as you spell it out, the demand seems high-handed.

3--As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.

w

>>> Jeff Schmidt 08/20/99 01:42PM >>>
Hi Warren,

My discussion with Steve Benka about my performance review took place yesterday afternoon (Thursday 19 August 1999). It went more or less as expected (he basically didn't budge), except for one thing: He indicated that what he said about me in the review was confidential. At first I took that to mean that the review was confidential like a doctor's report, which goes only to the patient, to protect the patient's privacy. But it quickly became clear that what he meant was that he didn't want me to tell anyone what he said about me in the review--for his protection, not mine.

I responded by saying that most of the staff doesn't understand confidential to mean that they are forbidden to talk about their reviews (it is often necessary to talk about a review to check its accuracy), and I pointed out that they commonly discuss such things with their coworkers. Besides, I said, in this case it's too late, because I have already discussed it with a coworker (more than one, actually), and I didn't ask that person not to discuss it with others. So lots of people could know about it by now (I'm sure they do).

Benka appeared to be genuinely surprised and disturbed that people talk to each other about these things. I told him that I was surprised that he was surprised. I said that lots of people here talk to each other about everything, and that's a good thing -- it's a sign of closeness. He was also disturbed that I had discussed the review with a coworker, and he asked me to tell him who it was. (I won't do that, of course.) I said that I didn't want to get anyone in trouble. He indicated that he still wanted to know. So I offered to ask the person if it would be ok to mention his or her name. At the end of the meeting, Benka said again that he wanted to know who it is. And a few hours later, at the end of a not-very-interesting e-mail message to me about other aspects of the review, he wrote this:

>I still would like you to tell me which
>member or members of the staff you have
>discussed this year's review with.

>--Steve

S 001962

So I am now contacting all the people whom I think know about my review, to get their ideas on what I should tell Benka.

Jeff

PS – Careful with those computer buttons! I just noticed that your brief e-mail message to me yesterday morning also went out to Jeff Bebee, Georgina Guagenti and advtsg. No harm done.

S 001963

Juno e-mail printed Mon, 23 Aug 1999 01:34:13 , page 1

From: Paul J Elliott <lugenbold@juno.com>
Received: from mx1.jersey.juno.com (mx1.jersey.juno.com [209.67.33.54])
by m4.jersey.juno.com with SMTP id AAA56BC8WANXWDKA
for <jeff-schmidt@juno.com> (sender <lugenbold@juno.com>);
Sun, 22 Aug 1999 19:46:28 -0400 (EST)
Received: from m6.boston.juno.com (m6.boston.juno.com [205.231.101.197])
by mx1.jersey.juno.com with SMTP id AAA56BC8WAJ6CKW2
for <jeff-schmidt@juno.com> (sender <lugenbold@juno.com>);
Sun, 22 Aug 1999 19:46:28 -0400 (EST)
Received: (from lugenbold@juno.com)
by m6.boston.juno.com (queueemail) id EJNQ7AHQ; Sun, 22 Aug 1999 19:46:11 EDT
Return-path: <lugenbold@juno.com>
To: jeff-schmidt@juno.com
Cc: tfeder@wam.umd.edu, jak@interport.net
Date: Sun, 22 Aug 1999 19:46:11 EDT
Subject: Re: Naming names
Message-ID: <19990822.202344.4631.0.Lugenbold@juno.com>
References: <19990821.120842.14367.0.jeff-schmidt@juno.com>
X-Status: Read
X-Mailer: Juno 1.49

Jeef (Jean, Toni too):

I think Warren is correct, but I further recommend that you tell Benka nothing other than that, having discussed the matter further with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had with AIP employees, non-AIP journalists, or outside lawyers.

And tell him so in writing, on the chance that you can develop a Benka-incriminating paper/electron trail.

To that end, I also recommend that you consider preceding that memo with one of inquiry, asking him to tell you why he wants you to name names, and what he intends to do once he knows those names.

However, If you have no stomach for ensnaring him, then I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.

Paul

On Sat, 21 Aug 1999 12:06:03 EDT Jeff Schmidt <jeff-schmidt@juno.com> writes:

>Hi Toni, Paul and Jean,

>

>Here's some stuff from and to Warren, relevant to all. Paul, do you

>want to comment on Benka's request that I name names?

>

>Jeff

>

>-----

S 001964

>

>Jeff:

>--I don't think there is any reason you should be required to disclose
>conversations you might or might not have had with other people in the
>building. With whom you discuss your business is your business. If
>you want to tell him you talked to me, that, too, is your business; I
>don't really care. But as you spell it out, the demand seems high-handed.

>

>--As far as the review's confidentiality is concerned, I believe that it is, but
as a restriction on the management, not on you.

>w

>

>-----

>

>Hi Warren,

>

> Thank you for basing your response to Benka's demand on principle, rather
than on fear.

>

> I am still thinking about what to tell him, but I am leaning very strongly
toward not giving him any names, even though you and some others have given me
permission to do so. I don't want to give the appearance of finding a
totalitarian request acceptable.

>

> One thing I am thinking about doing is simply quoting people's responses
(yours and about three others), leaving out their names and anything else that
might identify them, and also leaving out the sentences where they give me
permission to mention their names.

>

> If Benka wants to know more, he can ask individual staff members whether or
not I discussed my review with them. One useful response might be to simply tell
him the truth -- that I said that I was trying to determine whether or not the
review was accurate, and so we went over the review and compared it to the facts
as we remembered them. And, of course, let him know the outcome. Another
response might be to refuse to report on private conversations but to say that
someone did show you the review and that you are willing to discuss its
>accuracy. Whatever; I'm not worried; Benka doesn't present much of an
>intellectual challenge in these or other matters.

>

>Jeff

>

>

>

>

>

>

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>and free Internet access for a month! Try Juno Web:
><http://dl.www.juno.com/dynoget/tagj>.

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access for a month! Try Juno Web: <http://dl.www.juno.com/dynoget/tagj>.

From: Jeff Schmidt <jeff-schmidt@juno.com>
Received: (from jeff-schmidt@juno.com)
by m4.jersey.juno.com (queuemail) id EJPQWQT4; Mon, 23 Aug 1999 05:00:46 EDT
Return-path: jeff-schmidt@juno.com
To: jak@interport.net, lugenbold@juno.com, tfeder@wam.umd.edu
Cc: jeff-schmidt@juno.com
Date: Mon, 23 Aug 1999 05:00:46 EDT
Subject: Naming names
Message-ID: <19990823.050304.14375.0.jeff-schmidt@juno.com>
X-Status: Read
X-Mailer: Juno 1.49

Dear four colleagues who saw my annual review and who Benka wants me to name,

Taking everyone's suggestions into account, my current thinking is to not give Benka any names and to not give him anything in writing. I would give him a verbal report that would include the four responses (below) to his demand. Even though I have removed your name, I won't include your response in my oral report without your approval. So please find it below and let me know if it is ok; modify it if necessary.

As one of you suggested (and as I had decided, too), I would first ask Benka why he wants the names. To him, I think, the problem isn't the out-to-get-you review; it's the fact that I disclosed it and criticized it. If he comes around asking, "Did Jeff talk to you about his performance review?", feel free to say "yes" or "I don't feel comfortable reporting on private conversations" or "I don't feel comfortable reporting on private conversations, but I am familiar with the review and can talk about that." I'd probably be better off if you didn't say who showed you the review, and if you didn't say that you saw any written response to it.

My spoken report to Benka would be something like this:

Following up on your request, I was able to track down four colleagues who saw my annual review either because I showed it to them or because someone else did. They all reacted negatively to your request for their names, so I'm afraid I don't have any names to report. The most I can do is tell you what they told me when I asked for permission to identify them. Would that be of any use to you? [At this point Benka says yes and I read the following responses.]

1. Obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association — why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people.

I don't know what you should tell him — just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request?

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy

S 001966

for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."

You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff....

2. I don't know what would be the best way to respond to Benka. There is fear of retribution.

You can tell him that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your appeal becoming known last year) will only get worse if he doesn't improve his attitude. Management's increasingly repressive policies will inevitably have negative consequences.

3. I recommend that you tell Benka nothing other than that, having discussed the matter with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had.

I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.

4. I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your business....the demand seems high-handed.

As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.

Jeff

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Get the

S 001967

From: Toni Feder <tfeder@wam.umd.edu>
Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])
by m4.jersey.juno.com with SMTP id AAA56D8F5AHQ398J
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 21:43:23 -0400 (EST)
Received: from mx2.boston.juno.com (mx2.boston.juno.com [205.231.100.52])
by mx2.jersey.juno.com with SMTP id AAA56D8F5AEVZ78J
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 21:43:23 -0400 (EST)
Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])
by mx2.boston.juno.com with SMTP id AAA56D8F4A5JXAU2
(sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 21:43:22 -0400 (EST)
Received: from wam.umd.edu (async249-13.async.duke.edu [152.3.249.13])
by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id VAA01658;
Mon, 23 Aug 1999 21:43:16 -0400 (EDT)
Return-path: <tfeder@wam.umd.edu>
Reply-To: tfeder@wam.umd.edu
To: Jeff Schmidt <jeff-schmidt@juno.com>
Cc: jak@interport.net, lugenbold@juno.com
Date: Mon, 23 Aug 1999 21:47:11 -0400
Subject: Re: Naming names
Message-ID: <37C1F95A.E7D97018@wam.umd.edu>
References: <19990823.050304.14375.0.jeff-schmidt@juno.com>
X-Status: Replied
X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

***** Please do not quote from the new content of this note. Some are
embedded in your text. *****

Hi Jeff,

I would feel more comfortable -- and think it would be a better strategy -- if you would summarize what your colleagues' reactions were to the request that you identify them, rather than read (as you say you would do after he says "yes" he'd like to know their reasons), or even repeat to him modified-verbatim what we each said. Reading identity-edited-out comments is theatrical. I think his request should be played down, not up, and nipped in the bud. I would prefer that (if anything at all) you say each idea once, in your own words, rather than in ours. For example, there is considerable overlap, in particular in the comments by me, Warren and Paul, so I suggest summing these up. Giving him three versions is an invitation for him to continue playing this stupid game of trying to identify your colleagues. In my view, the point to make is simple: it's none of his business. Jean made some different comments, and those may be worth including in whatever you say. (It would be fine with me if you noted that more than one colleague commented that they think of you as a very valuable colleague, and value your contributions to the magazine.) But I prefer the simpler, less theatrical tack of paraphrasing and summing up, rather than "handing him our words."

In that vein, my preference would be that you still ask him (if you want to) why he wants to identify the colleagues who know about your review, and then say (something like) they (and I) all feel that it's not appropriate to have to report on private conversations. One person noted that confidentiality is a restriction on management, not on employees.

S 001968

end of investigation, let's hope.

— Toni

Subject: Naming names Date: Mon, 23 Aug 1999 05:00:46 EDT From: Jeff Schmidt
<jeff-schmidt@juno.com> To: jak@interport.net, lugenbold@juno.com,
tfeder@wam.umd.edu CC: jeff-schmidt@juno.com

Dear four colleagues who saw my annual review and who Benka wants me to name,

Taking everyone's suggestions into account, my current thinking is to not give Benka any names and to not give him anything in writing. I would give him a verbal report that would include the four responses (below) to his demand. Even though I have removed your name, I won't include your response in my oral report without your approval. So please find it below and let me know if it is ok; modify it if necessary.

As one of you suggested (and as I had decided, too), I would first ask Benka why he wants the names. To him, I think, the problem isn't the out-to-get-you review; it's the fact that I disclosed it and criticized it. [JEFF: SO WHAT DO YOU THINK HIS MOTIVE IS, IF NOT TO SOMEHOW HOLD IT AGAINST YOUR COLLEAGUE-CONFIDANTS?] If he comes around asking, "Did Jeff talk to you about his performance review?", feel free to say "yes" or "I don't feel comfortable reporting on private conversations" or "I don't feel comfortable reporting on private conversations, but I am familiar with the review and can talk about that." I'd probably be better off if you didn't say who showed you the review, and if you didn't say that you saw any written response to it. [IF HE ASKS ME, I PLAN TO SAY I THINK IT'S NONE OF HIS BUSINESS. BUT I DON'T SEE ANYWAY OF HOLDING THAT PARTICULAR DISCUSSION, AND I HOPE HE DOESN'T ASK]

My spoken report to Benka would be something like this:

Following up on your request, I was able to track down four colleagues who saw my annual review either because I showed it to them or because someone else did. They all reacted negatively to your request for their names, so I'm afraid I don't have any names to report. The most I can do is tell you what they told me when I asked for permission to identify them. Would that be of any use to you? [At this point Benka says yes and I read the following responses.]

[AS I WROTE ABOVE, I PREFER YOU PARAPHRASE, RATHER THAN READ MY RESPONSE]

1. Obviously I don't think you should tell Steve whom you discussed your review with. Since he is so harsh with you, it would only impugn those people by association — why does he want that info? It seems he would use (or at least hold) it against us. So I absolutely don't want him to know I am among those people.

I don't know what you should tell him — just that the person/people involved felt that it would be used against them? Or more simply, they felt uncomfortable with that request?

S 001969

Maybe you could say something like, "The conversations I had with (some of) my coworkers were private, and they feel it would be an invasion of their privacy

for me to reveal their names just because they talked with me. I'm sorry I can't reveal anyone's name."

You could add something reassuring, if you can think of anything. Something to let him know you are not planning or inciting a rebellion among the staff....

2. I don't know what would be the best way to respond to Benka. There is fear of retribution.

You can tell him that I'm appalled by his deviousness, that I consider you to be an extremely supportive and valuable colleague, and that the long-standing morale problem at PT (which obviously did not originate with your appeal becoming known last year) will only get worse if he doesn't improve his attitude. Management's increasingly repressive policies will inevitably have negative consequences.

3. I recommend that you tell Benka nothing other than that, having discussed the matter with people you trust and respect, you have decided to tell him nothing more about any performance-review-related discussions you have had.

I suggest you simply request that he cease harassing you with threats, demands, gag orders, trumped-up allegations, and ad hoc declarations of confidentiality. You could also be kind and offer to send him some easy-to-understand information on such topics as freedom of speech and the right of assembly.

4. I don't think there is any reason you should be required to disclose conversations you might or might not have had with other people in the building. With whom you discuss your business is your business....the demand seems high-handed.

[I DO THINK IT'S A GOOD IDEA TO MENTION THE FOLLOWING COMMENT BY WARREN]
As far as the review's confidentiality is concerned, I believe that it is, but as a restriction on the management, not on you.

Jeff

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<http://dl.www.juno.com/dynoget/tagj>.

S 001970

From: Toni Feder <tfeder@wam.umd.edu>
Received: from mx2.jersey.juno.com (mx2.jersey.juno.com [209.67.34.54])
by mx4.jersey.juno.com with SMTP id AAA56EBYDAWVD5QS
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 22:43:15 -0400 (EST)
Received: from mx5.boston.juno.com (mx5.boston.juno.com [205.231.100.53])
by mx2.jersey.juno.com with SMTP id AAA56EBYDAUBEXCJ
for <jeff-schmidt@juno.com> (sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 22:43:15 -0400 (EST)
Received: from wilson.acpub.duke.edu (wilson.acpub.duke.edu [152.3.233.69])
by mx5.boston.juno.com with SMTP id AAA56EBYDAMGG9P2
(sender <tfeder@wam.umd.edu>);
Mon, 23 Aug 1999 22:43:15 -0400 (EST)
Received: from wam.umd.edu (async249-8.async.duke.edu [152.3.249.8])
by wilson.acpub.duke.edu (8.8.5/Duke-4.6.0) with ESMTP id WAA02639;
Mon, 23 Aug 1999 22:43:11 -0400 (EDT)
Return-path: <tfeder@wam.umd.edu>
Reply-To: tfeder@wam.umd.edu
To: Jeff Schmidt <jeff-schmidt@juno.com>
Cc: lugenbold@juno.com, jak@interport.net
Date: Mon, 23 Aug 1999 22:47:12 -0400
Subject: Re: Naming names
Message-ID: <37C20767.2DBF0F6A@wam.umd.edu>
References: <19990823.050304.14375.0.jeff-schmidt@juno.com>
X-Status: Read
X-Mailer: Mozilla 4.04 (Macintosh; I; PPC)

hi again, jeff,

this is an addendum to my previous e-mail. i'm glad you will summarize rather than read our comments. the reason for writing now is just to offer support--because from your note i realize that you worry he would try to collect data about you from us (i.e. use our names against your, unsuccessfully, i'd bet), whereas i'm thinking he'd use the information to penalize us. irony. well, let's not let him use any of it against any of us.

toni

S 001971

Message to my supervisor in which - express the fear that he will
"kill the messenger" (me) for standing up on behalf of staff members for the
staff's right to have private conversations about workplace issues

30 August 1999

Steve --

Here are the notes that you requested. They outline the responses that I got when I asked colleagues who saw my annual review for permission to fulfill your request that I report their names to you. As you know, I did not want to give you this written report, but you insisted that I do so. I can only hope that you will use it to address staff concerns and not "kill the messenger."

Four themes were apparent in the responses from my coworkers.

1. They consider me to be a supportive and valuable colleague, and they want you to behave in accord with that view. They note that the long-standing staff morale problems did not originate with my review appeal.
2. Their anxiety was exacerbated by the fact that you were not open about your reasons for wanting their names. (Later, when I asked you specifically why you wanted their names, you refused to answer.) Thus the only thing they imagined coming from your investigation was punishment, of me or of them. They think they would be subject to guilt by association, because you have been so harsh with me.
3. They feel that their conversations were private and that to reveal them would be an invasion of their privacy. They made reference to the First Amendment, the spirit of which they evidently carry with them.
4. They agree with you that annual reviews are confidential, but they see that as a restriction on management, not on them. Thus they feel free to discuss their reviews, and many do. They think it would set a bad precedent if any of us were punished for that.

Please let me know if I can be of further assistance.

Jeff

S 001972

11 December 2000

Tom McCarthy
National Labor Relations Board
1099 14th Street NW, Suite 5530
Washington, DC 20570

Dear Mr. McCarthy:

Thank you for inviting me to meet with you today to present evidence backing my charge against *Physics Today* magazine, my former employer. As I will explain, *Physics Today* fired me in retaliation for my workplace activism. This activism includes my work with coworkers to address workplace issues such as working conditions, workload, pay, job security, distribution of job tasks, punitive action by management against individual staff members and so on. The activism for which they retaliated also includes concerted activity with coworkers to secure the right of staff members to discuss workplace issues with each other, as well as simple communication with coworkers about workplace issues.

As former coworkers will testify, I was a workplace activist at *Physics Today*, which is published by the American Institute of Physics, in College Park, Maryland. While doing my assignments conscientiously and always beating my deadlines, I worked with other staff members to improve the organization and give the staff a say in decisions affecting their working lives.

The company was out to silence me. Firing me was the final step in an escalating series of very repressive measures that the company took to stop me from speaking to coworkers about workplace issues and to stop me from speaking out on behalf of concerned coworkers. Those measures included inaccurate, unfair and punitive 1998 and 1999 performance reviews that grossly underreported the amount of work I had done, a gag order on me, a ban on private conversations between me and my coworkers, and a witch-hunt that frightened coworkers who worked with me on workplace issues or who merely spoke with me about such issues.

Physics Today management turned against me permanently around 1997, and in my next annual performance review went back and criticized me strongly for working with coworkers to raise workplace issues during the year prior to the one under review. From then on, *Physics Today* subjected me to what amounted to a non-expiring demerit system in which my standing in the eyes of management was lowered by all of my past perceived misbehavior, no matter how long past. Nothing was forgotten, and whenever my supervisors criticized me, they made explicit references to my earlier workplace activism. (For example, during my 1999 performance review — the last one before I was fired — management criticized me harshly for circulating to the staff an earlier memo that I wrote to management covering many workplace issues.) Management seemed set to welcome any excuse to fire me.

The repressive conditions that management imposed to stop my organizing efforts did not deter me. As management was well aware, my organizing efforts continued, and continued to have an impact on the workplace. I was operating under explicit orders not to discuss workplace issues privately with coworkers. And my coworkers knew that management didn't want them to talk to me about workplace issues. (They would come and talk to me anyway, often closing the door to my office and positioning themselves behind it so that they couldn't be seen from the outside.) I met with coworkers to discuss individual and group workplace problems, and to plan individual and collective action for addressing the problems. This involved, for example, spreading the word to get coworkers to support each other in disputes with managers and getting coworkers to push for common goals at meetings — goals such as hiring more staff to handle the increased workload, staff participation in decisions affecting the distribution of work, relief for staff members with excessive workloads and so on.

S 001973

Because of the repression, the right to organize itself became a big issue. In one instance (17 – 30 August 1999), after I organized support among coworkers for the right of staff members to discuss performance reviews and disciplinary action with each other, management made a two-week-long effort to intimidate those involved, by demanding that I reveal which coworkers I had spoken with and what they had said. In the end, I spoke to management on behalf of all the coworkers involved, and defended our right to discuss workplace issues privately. I refused to reveal which coworkers were involved in the discussions and what was said. This left my supervisor angry.

In the months leading up to my dismissal, management caught me several other times violating the ban on discussing workplace issues privately with coworkers. The last time that I recall was two weeks before they fired me. Management knew that they discovered only a fraction of my conversations with coworkers and that I was not about to stop being what they considered a bad influence on my coworkers. Coworkers were upset but not surprised when I was fired.

The company fired me on the pretext of misconduct: They accused me of writing a book on company time. The State of Maryland Department of Labor, Office of Unemployment Insurance, conducted a detailed investigation into the circumstances under which *Physics Today* fired me, and found no evidence of even “simple misconduct” on my part, leaving my workplace activism as the more obvious explanation for my firing. Thus the state awarded me full unemployment benefits despite the fact that I was fired for cause. The company, lacking any real evidence to back its claim, did not appeal. Inconveniently, for 19 years they had given me raises and promotions based explicitly on close scrutiny of the quantity and quality of my work (they invariably said that I met or exceeded the job requirements). At the time they fired me, I was two months ahead in my work, having just fulfilled my entire annual review-period work quota in the first 10 months of the period, and I had a thick file of praise for my work — from both management and outsiders.

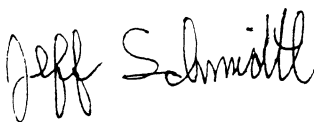
I did write a book — *Disciplined Minds* (Rowman & Littlefield, 2000) — but on my own time. I am sure the company didn’t like the book, in part because it argues strongly that workplace organizing is the solution to workplace problems. The company’s phony charge of misconduct was based on its opportunistic interpretation of dramatic writing in the book itself (a nod to Abbie Hoffman’s 1971 classic, *Steal This Book*). Instead of simply ignoring the book, management chose to make the most extreme interpretation possible of writing in it set years ago in another city. It is very telling that despite my 19 years of service to *Physics Today*, my supervisors did not ask me even a single question about the book, or about anything else, before dismissing me. I hope you will consider this fact as you apply common sense in your investigation. My supervisors were looking for an opportunity to get rid of me.

The company apparently thought the book looked so radical that no one would defend me. But that hasn’t been the case. In addition to the Maryland Department of Labor finding, there have been many protests, including protests by sixteen former *Physics Today* staff members and by the National Writers Union (UAW local 1981), of which I am a member.

I am enclosing a chronological list of some relevant events, along with some documents referred to in the list, and other information. I can provide much more information and much more detail on the enclosed information; just let me know what you need.

I and the many people who are interested in this case find it difficult to imagine that the company’s behavior is permitted by the law that you administer. We hope that, in the interest of justice, you will confirm our understanding.

Sincerely,



S 001974

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
FIRST AMENDED CHARGE AGAINST EMPLOYER

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case 5-CA-29366 | Date Filed |

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | | |
|--|--|-------------------------------------|
| a. Name of Employer American Institute of Physics | b. Number of workers employed approx. 500 | |
| c. Address (street, city, state, ZIP code) 1 Physics Ellipse College Park, MD 20740 | d. Employer Representative Marc H. Brodsky | e. Telephone No. 301 209 3100 |
| f. Type of Establishment (factory, mine, wholesaler, etc.) Publishing company | g. Identify principal product or service Physics journals | |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | | |
| <p>Since on or about May 31, 2000, the above-named Employer, by its officers and agents, interfered with, restrained and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act by terminating under pretext the employment of Jeff Schmidt, senior associate editor, because of his protected concerted activities and because he advocated formation of a union at the workplace.</p> <p>Since on or about August 29, 2000, the above-named Employer, by its officers and agents, announced a rule prohibiting staff members from discussing their performance reviews with other staff members.</p> | | |
| By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act | | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Jeff Schmidt | | |
| 4a. Address (street and number, city, state, and ZIP code) 3003 Van Ness Street, NW, W406 Washington, DC 20008 | 4b. Telephone No. 202 537 3645 | |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) N/A | | |
| 6. DECLARATION | | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | | |
| By <u>Jeff Schmidt</u> (signature of representative or person making charge) Jeff Schmidt | | <u>Individual</u> (title if any) |
| Address <u>3003 Van Ness Street, NW, W406</u> <u>Washington, DC 20008</u> | <u>202 537 3645</u> (Telephone No.) | <u>1/4/01</u> (date) |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

TPM

S 001975

27 January 2001

Tom McCarthy
National Labor Relations Board
1099 14th Street NW, Suite 5530
Washington, DC 20570

Dear Tom:

It was good talking with you yesterday. Thanks for the update on your investigation.

Enclosed is the document that I promised to send. It is an e-mail message from American Institute of Physics Executive Director and Chief Executive Officer Marc H. Brodsky to University of California, Berkeley, professor Frederick M. Dolan, concerning my dismissal.

To my knowledge, this is the first time Brodsky has responded to someone protesting my firing. This may be because of the writer's status as a professor at the University of California, Berkeley.

As you will see, rather than denying that AIP fired me for the workplace activism and advocacy cited by Dolan, Brodsky says the company considered "not just" that.

Best wishes,



Enc.: 23 Jan. 2001 message from Brodsky,
containing 22 Jan. 2001 message
from Dolan.

S 001976

Date: Tue, 23 Jan 2001 19:38:43 -0500
From: "Marc Brodsky" <brodsky@aip.org>
To: <fmdolan@socrates.Berkeley.EDU>
Subject: Re: Jeff Schmidt

Dear Prof Dolan,

I appreciate the thoughtfulness of your email. I must say, I agree most with what you say in you opening paragraph.

Unfortunately employers are more constrained than most in their ability to comment about an individual employee and any reasons for termination. For the most part I feel that is good because it protects individual privacy. You will have to deal with the publicly available facts and deduce your own conclusions. However, I believe AIP acted after careful considerations of many facts and not just the ones you cited.

Sincerely,

Marc Brodsky

"Frederick M. Dolan" <fmdolan@socrates.Berkeley.EDU>
1/22/01 11:38:37 PM

To Marc Brodsky, via email
Executive Director
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

Ordinarily, I would never think of intervening in cases involving hiring and firing in organizations with which I am unfamiliar. I appreciate the complexity of such decisions and understand that they can be difficult for outsiders to understand.

In the matter of Jeff Schmidt's dismissal from his position at Physics Today, I feel that I must protest. I have known Jeff for almost 25 years, and know him to be a man whose integrity and skill are simply above reproach. Whatever suggestions he may have had for Physics Today were, I am certain, well worth considering. While the American Institute of Physics may not appreciate the perspectives he brings to bear on its operations, you

surely must know that issues such as diversity, staff participation, and the like, are not going to go away. To suggest that taking some time on one's job to work on a book (if that is indeed what Jeff did) is a firing offense is, to put it crudely, Neanderthal. I should think, on the contrary, that Physics Today would be eager to take credit for nurturing the author of an excellent and incisive inquiry into the state of the discipline.

The concerns Jeff articulates are part of American life; they are here to stay. Firing Jeff, under the circumstances, is all too transparent an act, and is not likely to wash, anywhere, with anyone.

Sincerely yours,

Frederick M. Dolan

Professor Frederick M. Dolan
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7325 Dwinelle Hall
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telephone 510/642-3041
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E-Mail Address: DoolittleK@dsmo.com

March 16, 2001

Yvonne T. Dixon, Esquire
Director, Office of Appeals
National Labor Relations Board
Franklin Court Building
1099 14th Street, NW; Room 8820
Washington DC, 20570-0001

Re: American Institute of Physics; Case No. 5-CA-29366

Dear Ms. Dixon:

Charging Party Jeff Schmidt ("Schmidt") respectfully appeals Region 5's dismissal of his unfair labor practice charge alleging that his employer, the American Institute of Physics ("Institute"), discharged Schmidt in violation of Sections 8(a)(1) and 8(a)(3) of the Act. The dismissal should be reversed and a complaint issued because the available evidence shows that the Institute's termination of Schmidt was motivated solely by Schmidt's significant history of concerted activity to improve the working conditions of he and his co-workers at the Institute.

The Institute's asserted reason for firing Schmidt -- that he wrote a book in part on company time -- is a transparent pretext. In conformity with the industry norm, many writers employed by the Institute did outside writing on company time. The Institute took no disciplinary action against those employees; rather, it condoned (or even encouraged) the practice. What distinguished Schmidt, and ultimately led to his discharge, was that for many years he spearheaded concerted employee efforts to improve working conditions at the Institute, and did so in the face of blunt warnings that he must stop such protected activity or "pay the penalty." When Schmidt persisted, management seized upon Schmidt's

“admission” that he wrote his book on company time to rid itself of the budding unionist. Such retaliation is an archetypal violation of the Act.

SUMMARY OF THE CASE

Jeff Schmidt worked as an editor for *Physics Today*, a magazine owned and published by the Institute for 19 years. During that time, he consistently produced commendable work product. Nonetheless, on May 31, 2000, he was summarily fired, supposedly for doing what he and others (at the Institute and throughout the industry) did with management’s tacit blessing – using his spare time at the office to engage in freelance writing.

The real explanation for this otherwise inexplicable conduct lies in Schmidt’s protected activity and management’s displeasure at such activity. Thus, throughout Schmidt’s tenure at *Physics Today*, he participated with, and often organized, his co-workers in concerted activity seeking to improve the working conditions of the magazine’s staff. On many occasions, both orally and in writing, Schmidt presented the concerns felt by he and his colleagues on a variety of matters, including the felt need for relief from an increasing workload, the abusive treatment staff received from some managers, and a request for increased staff participation in grievance procedures.

Management’s response was also consistent. It actively discouraged such activity. Evidence of the Institute’s animus (detailed below) includes verbal outrage at Schmidt for speaking on behalf of his co-workers at staff meetings, performance evaluations criticizing Schmidt’s concerted activity (not his work product), and even an order forbidding Schmidt and his co-workers from having private conversations concerning

workplace concerns. Ultimately, in 1998 (and again in 1999) Schmidt was downgraded on his performance review, explicitly because of his protected activity in voicing his, and his co-workers, concerns. When he appealed to higher management, arguing that this review constituted an improper reprisal for protected activity, he was told by the Director of *Physics Today* that “when you do things your supervisors would be happier that you not do, then you have to be willing to pay the penalty.”

In April 2000, Schmidt published his first book, Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System That Shapes Their Lives.¹ While the vast majority of the writing was done at home, including a six-month unpaid leave of absence, Schmidt also worked on the book during his lunch hour and breaks. At the time, such activity engendered no comment from management. That was not surprising, for it was commonplace for employees (at *Physics today* and throughout the industry) to pursue freelance work at the office. Others at *Physics Today* did so openly and were not reprimanded, even when their freelance work was well-known to management.

Nonetheless, the Institute seized on a single passage of hyperbole in the Introduction to Schmidt’s book -- the statement that “This book is stolen. Written in part on stolen time.” -- to fire him. That was an obvious pretext. Management was not upset that one of its editors had become a successful author. Rather, management saw Schmidt’s literary characterization of his production methods as the perfect excuse to rid itself of an employee who, against management’s wishes, continued to organize his fellow workers to

¹ Schmidt, Jeff. Disciplined Minds: A critical look at salaried professionals and the soul-battering system that shapes their lives; Rowman & Littlefield Publishers, Inc., 4720 Boston Way, Lanham, Maryland 20706.

stand up for their rights. For that infraction, the Institute inflicted the ultimate workplace penalty – summary dismissal. In doing so, it violated the most basic provisions of the Act.

STATEMENT OF FACTS

Jeff Schmidt began working as an editor for *Physics Today* in March 1981. See Exhibit 2, Affidavit of Jeff Schmidt² (“Schmidt Aff.”), p. 1, ll. 3-4. During his 19 years at the Institute, Schmidt continuously participated in, and often organized, concerted activity aimed at improving the working conditions of the magazine’s support staff, writers, and other editors. These concerted activities were often met with criticism and reprisals from management. Below is a description of some of the activities that Schmidt participated in, and of management’s responses thereto.

Schmidt’s Concerted Activity and Management’s Hostility to Such Activity

(1) In October 1983, Schmidt and five co-workers boycotted the annual *Physics Today* advisory committee luncheon to protest the support staff’s exclusion from the committee meeting. Schmidt and co-worker Daniel Gladstone wrote a memorandum, signed by eight staff members, explaining the protest,³ and submitted it to the magazine’s

² Because the Regional Director issued a “short form” dismissal (See Exhibit 1), we cannot tell his reasoning for refusing to issue a complaint in what appears to us is a clear violation. It may be that Mr. Schmidt, who was then unrepresented did not fully appreciate the significance of adducing facts concerning his protected, concerted activity and management’s animosity to such activity, or that he did not understand the importance of showing what is obvious to any writer or editor, that freelance writing was accepted and encouraged, at *Physics Today* and throughout the industry. Accordingly, we take this opportunity to supplement the record and, if thought necessary by the Office of Appeals, would be happy to cooperate in any further investigation.

³ The body of the Memo stated:

We regret we will not attend today’s lunch. Because we are no longer included in the day’s substantive discussions, we do not feel it is appropriate for us to attend the day’s more social event. We are sorry

advisory committee. See Memo from *Physics Today* Staff to The Advisory Committee and Dr. H. Davis, dated Oct. 11, 1983 (Exhibit 3). The Institute's management called a meeting of the *Physics Today* staff and demanded greater discipline. Later that month, Schmidt and several co-workers drafted and issued a seven-point memo, "General Problems With [*Physics Today*] management," raising concerns around "work flow," "delegation of responsibility," "staff input," and "keeping staff informed." See Memo dated October 27, 1983 (Exhibit 4).

(2) In November 1989, Schmidt assisted Per H. Anderson, a co-worker who had recently been fired, in preparing his appeal to the Director of the Institute. The appeal detailed Andersen's mistreatment by management, including an "unacceptable workload and salary." See Letter (Draft) to Dr. K. Ford from Per H. Anderson, dated November 21, 1989 (Exhibit 5).

(3) In January 1991, Schmidt played a leading role in organizing seven staff members to meet off-site and discuss working conditions at *Physics Today*. Following that meeting, the group drafted a memo addressing their concerns and the need for improving the magazine's "perennial scheduling problem," "low morale at *Physics Today*," and management's "disrespectful and frequent abusive treatment of staff members." See Untitled Memo (Exhibit 6). Because one or two members of the group were fearful of reprisal, the memo was never submitted to management. At subsequent staff meetings, however, Schmidt raised these issues with management.

to inform you so late, but we had been waiting for a more definite invitation to be made.

Memo from Physics Today Staff to The Advisory Committee and Dr. H. Davis, dated Oct. 11, 1983 (Exhibit 3).

S 001983

(4) In June 1994, Schmidt organized a meeting of ten staff members to specifically address the disrespectful, sometimes abusive treatment they received from the Editor of the magazine, Gloria Lubkin. When Managing Editor Kenneth McNaughton discovered the meeting in process, he asked if he was supposed to be invited, and Schmidt spoke for the group and told him he was not.

(5) In April 1995, Schmidt spoke out on behalf of the staff against the increasing workload, and McNaughton responded by questioning Schmidt's own personal workload, in front of his colleagues. Schmidt relayed this occurrence in a memo to Editor Steve Benka, dated May 25, 1995, stating "I am sure you recall that when I spoke strongly on behalf of the staff [about the increasing workload at the magazine], McNaughton responded with an angry personal attack, saying that I haven't done more work. . . . this marks the first time a manager has become angry about [my expression of views on the quantity of my work]. See Memo to Editor Steve Benka from Jeff Schmidt, dated May 25, 1995 (Exhibit 7).

(6) In October and November 1996, Schmidt and several other co-workers, including Jean Kumagai, Toni Feder, and Paul Elliott, lobbied management to hire additional staff to help with their increasing workload. After discussions with more co-workers, Schmidt, Kumagai, Feder, and Elliott prepared and presented a ten-point list of changes to be implemented in the workplace. See Proposals for discussion at *Physics Today* retreat, dated November 15, 1996 (Exhibit 8). Among the requests were: (1) better job security; (2) staff involvement in workplace dispute resolution; (3) better distribution of job tasks; and (4) changing hiring practices to increase diversity. See Exhibit 8.

S 001984

(7) In September 1997, Schmidt and a majority of staff members presented a similar list of requests to management and requested time on the agenda to raise staff concerns at the company retreat. Management responded angrily in the debates between staff and management over the proposed agenda in the days leading up to the September 25 retreat. At a staff meeting before the retreat, Schmidt again asked Editor Charles Harris to include more support staff. Harris responded that he did not want them to attend. At the retreat, when Schmidt raised the issue of whether staff members may ask questions, Harris said no. When Schmidt questioned Harris' position, Harris angrily shouted, "No! That's an order!" Following this episode, Harris commented negatively to Schmidt's co-workers about Schmidt's job performance, and he told Schmidt that he thought Schmidt's request for the right to ask questions was a disguised attempt to raise issues of staff concern.

(8) October 1, 1997, Harris and Benka issued Schmidt a written notice implying that Schmidt may be fired the next time he said anything that management considered "counterproductive." See Memo to Jeff Schmidt from Charles Harris, dated September 26, 1997 (Exhibit 9). This notice also prohibited Schmidt from discussing this issue with his co-workers, stating:

"We welcome constructive and productive contributions from you, but behavior by you that we consider destructive and counterproductive will no longer be tolerated. Your continued interruption at our retreat, after you were instructed to hold your questions and comments until the discussion segment of the agenda, is an example of what we mean. The continuation of such behavior on your part, in the office or at any work-related activity, will not be tolerated. This notice is to be treated as confidential.

Exhibit 9. When Schmidt informed co-workers of this warning, Harris criticized Schmidt for doing so. On October 17, 1997, Schmidt and a group of co-workers, including Jean

Kumagai, Paul Elliot, Graham Collins, and Toni Feder, presented a written grievance to the *Physics Today* Advisory Committee at its annual meeting stating:

What concerns us is the increasingly repressive work environment at the magazine. . . . We regret having to be the undersigned here, but in the last year . . . we have been increasingly subjected by management to verbal abuse, direct threats of dismissal and warnings about speaking out in front of both *Physics Today* managers and others outside of *Physics Today*. . . . Both [Schmidt] and Graham [Collins] have been outspoken about problems that many of us see at the magazine. We feel that the warnings contribute to a repressive atmosphere at the magazine and restrict all of us. We hope the advisory committee will do whatever it can to get these warnings retracted and to remind the PT managers that repression is counterproductive. Such steps would go a long way toward diminishing the fear that the staff members now associate with trying to openly address problems at the magazine.

See Letter to Members of the Physics Today Advisory Committee, dated October 17, 1997 (Exhibit 10). One and one half months later, the warnings against discussing grievances with co-workers were (briefly) rescinded. See E-mail from Charles Harris to *Physics Today*, dated December 1, 1997 (Exhibit 11).

(9) In January 1998, Stephen Benka, Editor of *Physics Today*, interrupted and broke up a private conversation, held outside of working hours, between Schmidt and co-worker Toni Feder. Schmidt Aff., p. 5, ll. 27-28. Later that day, Schmidt was speaking on the telephone with Feder. Benka came into Schmidt's office and asked if he was talking to an author. When Schmidt responded that he was talking to a co-worker, Benka informed him that he wanted in on the conversation. Shocked at this invasion, Schmidt placed Feder on speakerphone and informed her of Benka's presence. Benka said that Feder should come to Schmidt's office. When she arrived, Benka demanded to know what Feder and Schmidt had been speaking about, and announced that:

S 001986

he was forbidding all private conversations between staff members at work, because of the workplace activity that had taken place during the last year; he said that all conversations between staff members must be open to monitoring by management.

Schmidt Aff., pp. 5-6, ll. 27-28, 1-3. Thus, once again, private workplace dialogue was banned.

(10) In March 1998, Schmidt met with Benka to discuss Schmidt's 1998 performance review. Schmidt Aff., p. 6, ll. 9-10. In that review, "Benka condemned my workplace activities with co-workers and focused in particular on my leading role in such group activities as the 1996 retreat. . . . Benka said that I had spent a lot of time in 'disruptive efforts' and added that I had been formally reprimanded during this period, and although that it had been buried, it certainly had an effect on the office." Schmidt Aff., p. 6, ll. 10-15. Benka then warned, "Anything -- any behavior that generates such feelings, such divisions, such divisiveness, such disruption among the staff -- is not going to be tolerated anymore." When Schmidt told Benka that staff members feared reprisal for raising workplace problems to management, Benka responded:

Now, why would they fear that? If they're acting in good faith, then why would they fear it? But if they're not acting in good faith, they may have reason. If they're acting in order to engender divisiveness and trouble, if they're acting in bad faith, they may have reason to fear. If they're that afraid, maybe they should go where they're less afraid -- if it's that unbearable.

Schmidt Aff., p. 6, ll. 9-19.

(11) On the evaluation form, Benka reduced Schmidt's performance rating from "Exceeds Job Requirements" to "Meets Job Requirements." Schmidt Aff., p. 6, ll. 17-19. Benka also added a large increase in Schmidt's workload, whereby he would now be expected to edit 18 articles a year, rather than 14, a 28% increase.

S 001987

(12) Schmidt appealed his performance review to James Stith, Director of *Physics Today*, and ^{Theresa}~~Kathy~~ Braun, the Director of Human Resources. In his appeal, Schmidt contended that the “biased review [he] received was punishment for [his] organizing activity at the magazine.” See Memo from Jeff Schmidt to Theresa Braun and James Stith, Subject: [Schmidt’s] 1998 performance review, dated April 27, 1998 (Exhibit 12).

(13) Several months later, Schmidt met with Stith about his 1998 performance review. In that meeting, Stith “made it clear to me that my workplace activity, apart from my job assignments, played a central role in my critical review and lowered job performance rating.” Schmidt Aff., p. 6, ll. 21-23. In a response to Schmidt’s complaints of improper retaliation, Director Stith bluntly warned “when you do things your supervisors would be happier that you not do, then you have to be willing to pay the penalty, even if what you do is right.” In their meeting, Stith acknowledged that he knew about the “ban on private conversations in the workplace” and “would look into it.” Schmidt Aff., p. 6, ll. 24-25.

The ban, however, was never rescinded.

(14) To the contrary, upon returning from a six month unpaid leave of absence (December 1998 to June 1999), Schmidt was immediately criticized by Benka for sharing his appeal with his co-workers and told Schmidt “that he was lucky to still have [his] job after doing that.” Schmidt Aff., p. 7, ll. 3-7.

(15) In August 1999, Schmidt received his job performance review for the period from February 1998 to August 1999. This review stated, “[d]uring this review period, Jeff repeatedly engaged in disruptive and counterproductive behavior, damaging a collegial office climate, thereby undermining the editorial effort of *Physics Today*. Such behavior is unacceptable.” Schmidt Aff., p. 7, ll. 15-17. When Schmidt met with Benka to

S 001988

discuss the review, "Benka expressed anger about [Schmidt's] communications with co-workers about workplace issues." Schmidt Aff., p. 7, ll. 26-27. Benka then admonished Schmidt for "talking to co-workers about the 1999 performance review and demanded that [Schmidt] tell him which co-workers [he] had spoken with about issues raised in the 1999 review," which Benka again requested in an e-mail to Schmidt. Schmidt Aff., p. 8, ll. 5-10.

(16) Later that month, Schmidt met with several other co-workers to discuss "how to protect our right to communicate privately . . . about workplace issues such as performance reviews and punitive treatment by management." Schmidt Aff., p. 8, ll. 11-15. In that meeting, Schmidt informed the co-workers that Benka wanted the names of the staff members with whom Schmidt had shared the results of his 1999 performance review. Schmidt Aff., p. 8, ll. 11-12. When Schmidt refused to give Benka the names of those co-workers, Benka reiterated his opposition to private conversations between staff members about workplace issues and responded, "everything to do with the job is [his] domain and there should be no privacy from [him]." Schmidt Aff., p. 8, ll. 18-20.

In sum, by late 1999, management had made it eminently clear that it wanted Schmidt's concerted activity to stop. It also had repeatedly threatened him with dismissal if its warnings were not heeded.

Schmidt's Firing

In April 2000, Schmidt published his first book, Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System That Shapes Their Lives. In the Introduction of the book, Schmidt writes:

This book is stolen. Written in part on stolen time, that is. I felt I had no choice but to do it that way. Like millions of others who work for a living, I was giving most of my prime time to my employer. My job simply didn't leave me enough energy for a major project of my

own, and no one was about to hire me to pursue my own vision, especially given my irreverent attitude toward employers. I was working in New York City as an editor at a glossy science magazine. . . . So I began spending some office time on my own work, dumped my TV to re-appropriate some of my time at home, and wrote this book.

Exhibit 13.

On May 31, 2000, Stephen Benka, Editor of *Physics Today*, Theresa Braun, the Institute's Director of Human Resources, and Randolph Nanna, the Publisher of *Physics Today*, called Schmidt to the personnel department, where Benka told Schmidt:

We see in your own introduction to your own book that you have stolen from the magazine. Therefore, you can no longer be employed by *Physics Today*. Your employment is terminated, now.

Schmidt Aff., p. 2, ll. 3-6. No other reason was ever given to Schmidt or, to his knowledge, to anyone else for his dismissal.⁴ Schmidt was then told that he would not be allowed to reenter the building at any time or for any reason, and he was escorted to the front door. Schmidt Aff., p. 2, ll. 10-11. Benka then called a meeting of Schmidt's co-workers, and informed them that Schmidt had been fired for cause. Later in the day, Benka went from office to office, cryptically explaining to Schmidt's co-workers that Schmidt had been fired for doing "something other than what Schmidt had been paid to do." Schmidt Aff., p. 2, ll. 18-24. Neither Benka, nor Nanna, nor Braun, however, asked Schmidt what he meant by "office time" or whether he had actually worked on the book during working time. In fact, Schmidt's reference to "stolen time" was hyperbole, a

⁴ In a proceeding before the State of Maryland Department of Labor to determine Schmidt's eligibility to receive unemployment benefits, the Institute contended that Schmidt "was discharged from the [Institute] on 6/2/00 because it was alleged that the claimant wrote a book on company time." ⁴ See Exhibit 14.

literary reference to Abbie Hoffman's 1971 classic, Steal This Book. Schmidt Aff., p. 3, ll. 38-39, and he swears that:

I never used any work time except break time and lunchtime to work on my book. I always gave company work priority, even over break time and lunch time and weekends, and for 19 years I had the best record of meeting deadlines of any staff member. The production department kept and has these records.

Schmidt Aff., p. 4, ll. 1-4.

Although Schmidt did not work on his book during company time during his tenure at the magazine, many of his co-workers openly pursued work that was not related to the magazine while on company time. Declaration of William Sweet⁵ ("Sweet Decl.") ¶ 6; Declaration of Chris Mohr⁶ ("Mohr Decl."), ¶ 6. None were fired, disciplined or even admonished to stop. For example, William Sweet ("Sweet") who was employed at *Physics Today* from March 1984 until 1993, stated that "upon being hired, [he] asked the Editor in Chief, Hal Davis, whether [he] could pursue freelance projects while [Sweet] worked at *Physics Today*. Davis said that that would be fine as long as I did not attach *Physics Today* or the Institute to anything [Sweet] wrote." Sweet Decl., ¶ 4. Sweet also confirmed with human resources, then headed by Theresa Braun, that he would have unlimited long-distance telephone privileges as a benefit of working at the Institute. Sweet Decl., ¶ 4.

Typical of other employees at the magazine, Sweet openly worked on a number of freelance pieces, making long-distance calls, using the company's computer and the magazine's library for research, and discussing the articles with his co-workers. Sweet

⁵ Declaration of William Sweet, Exhibit 15.

⁶ Declaration of Chris Mohr, Exhibit 16.

Decl., ¶¶ 6, 8. One particularly provocative article resulted in a great deal of controversy and publicity. This article, which concluded that a nuclear explosion had occurred at Chernobyl, led to many responsive articles and interviews of Sweet, which ultimately connected Sweet with the Institute. See Exhibit 15. Nonetheless, Sweet was in no way disciplined. Sweet Decl., ¶ 7.

Physics Today's tolerance of outside work on company time reflects the norm in the industry. As Sweet explains:

In my experience, freelancing on an employer's time (and using an employer's resources) is and was ubiquitous in the newspaper and periodical industry. It generally is taken for granted that reasonably ambitious people will use company time, long distance telephone privileges, research facilities, and the company's computers to further their own writing careers.

Sweet Decl., ¶ 8.

Further, *Physics Today* had an exact way of defining peoples' jobs. If you did your job, then you would not be bothered. Writers were expected to write one page a week or four pages a month; editors were expected to edit one article every two weeks. In theory, if I completed four pages in one week, I would have the remaining three weeks to work on other things. . . . [T]he employer benefits from such a practice as these writers will give the magazine the right of first refusal for publication. Freelance work can increase a staff writer's stature and lead to valuable spin-off projects for one's employer. Indeed, my MIT article about Chernobyl led to a tip that resulted in my writing a major investigative piece on a closely related subject, which *Physics Today* published.

Sweet Decl., ¶¶ 5, 8.

Another *Physics Today* editor, Chris Mohr, also spent a considerable amount of time pursuing freelance projects while working for the magazine. In his declaration, Mohr states:

While at *Physics Today*, I wrote some pieces for small magazines, notably *Lies of Our Times* (now defunct). That magazine published

one long piece detailing scientists' participation in the Gulf War ("The Gulf War and the Technologists," March 1992), as well as several shorter items. I spent upwards of 20 hours working on the article total, of which at least 15 hours was spent at work. On other pieces I wrote while at *Physics Today*, I would generally write 80% of the article at work, and 20% at home. I did all the writing on my computer at work and read all the source material while at work because it was based on the scientific magazines and publications received by *Physics Today*. I did this openly and spoke with co-workers about the article. No one ever said anything about my working on this piece.

* * *

It was my understanding that AIP, as an institution, encouraged the practice of its employees doing outside writing. The Institute's history department published books of employees which were understood to have been written on company time. To my knowledge the Institute never had a policy against its employees pursuing and publishing writings outside the Institute, and doing such work on company time.

Mohr Decl., ¶¶ 6, 8.

In fact, several employees of *Physics Today* published articles while they were employed there. See Exhibit 17. In 1994, *Physics Today's* Managing Editor Kenneth J. McNaughton pursued a 200-page editing project as a guest editor, while Managing Editor. See *Creativity Research Journal*, Vol. 7, Nos. 3 and 4, 1994 (Exhibit 17).

ARGUMENT

On these facts, there is little doubt that Schmidt's firing violated the Act. Schmidt openly and consistently engaged in protected concerted activity, such activity was known to the management of *Physics Today*, and management repeatedly criticized, disciplined, and targeted Schmidt because of his participation in protected activity. This demonstrated animus, combined with the transparently pretextual nature of management's stated reason for firing Schmidt, leave little doubt that management's motive was unlawful. Certainly, Schmidt deserves his day in court to make that case.

S 001993

A. Legal Standard

Section 8(a)(1) of the National Labor Relations Act provides:

It shall be an unfair labor practice for an employer – (1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by Section 7.

29 U.S.C. § 158(a)(1). Section 7 protects the rights of employees “to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.” 29 U.S.C. § 157. Although “concerted activity” is not expressly defined in the Act, the term “clearly enough embraces the activities of employees who have joined together to achieve common goals.” New River Industries, Inc. v. NLRB, 945 F.2d 1290, 1294 (4th Cir. 1991). Letters, or other writings, intended to resolve or call attention to conditions of employment are considered protected, concerted activity. See id. at 1295. The activity, must, however, be engaged with or on the authority of other employees, and not solely by and on behalf of the employee himself. Meyers Industries, Inc., 268 NLRB 493 (1984).

“Once the activity is found to be concerted, an 8(a)(1) violation will be found if, in addition, the employer knew of the concerted nature of the employee’s activity, the concerted activity was protected by the Act, and the adverse employment action at issue was motivated by the employee’s protected concerted activity.” Meyers Industries, Inc. 268 N.L.R.B. 493, 17 (1984); Wright Line, 251 NLRB 1083 (1980), *enfd.* 662 F.2d 899 (1st Cir. 1981). Section 8(a)(3) protects against firings [of employees] due to anti-union animus. See Dorsey Trailers, Inc. v. NLRB, 233 F.3d 831, 839 (4th Cir. 2000) (citing NLRB v. Wright Line, 662 F.2d 899 (1st Cir. 1981)). In order to establish an employer’s discriminatory discharge, the “General Counsel must prove by a preponderance of the evidence that anti-union animus was a substantial or motivating factor in the discharge.” Id. The burden then shifts to the employer to prove that it would have fired the employee

even in the absence of anti-union animus. *Id.* If the Board finds that the Institute's stated reason for firing Schmidt is false, the Board may draw the inference that the Institute discharged Schmidt for unlawful reasons. *Active Transportation*, 296 NLRB 431, 432 n.8 (1989).

B. Schmidt's history of concerted, protected activity was well known by the Institute and the Management of *Physics Today*

There is no doubt that Schmidt engaged in concerted activity protected by the Act. He and his co-workers shared a rich history of collective activity aimed at improving conditions for support staff, writers, and other editors. For many years, Schmidt and his co-workers repeatedly addressed issues concerning: (1) requests for relief from an increasing workload; (2) staff involvement in dispute resolution, decision-making, the hiring process, and staff's attendance at the Institute's annual conference; (3) relief from disrespectful and abusive managers; and (4) relief from management's restrictions on staff's private communications on both working and non-working time. *See* Exhibits 4, 5, 9; and 10. This activity clearly was intended to call management's attention to perceived deficiencies in working conditions.

It also clearly was "concerted." Typically, Schmidt and his co-workers would hold a meeting to discuss workplace problems and potential solutions. Thereafter, one or more co-workers, usually including Schmidt, would draft a memoranda on behalf of the staff, and present their concerns to management. Sometimes, Schmidt and his co-workers would raise their concerns verbally at staff meetings. In short, Schmidt acted not as a lone wolf looking out for his own interests; rather, he acted as a spokesperson for his fellow workers. Accordingly, his activity was protected by the Act. *See New River Industries*, 945 F.2d at 1295; *Meyer Industries, Inc.* 268 NLRB at 497.

S 001995

C. **Management repeatedly criticized, disciplined, and ultimately discharged Schmidt in retaliation for Schmidt's participation in these activities.**

Schmidt's concerted, protected activity invariably was met with reprisals from management. Schmidt's protected activity was criticized publicly, he was downgraded on his evaluation expressly because of his protected activity, he was ordered to stop having private communications with co-workers about workplace issues, and he was admonished that if such activity continued, he would have to "pay the penalty." Ultimately, when management thought that it had a lawful excuse, it carried out its threats and fired Schmidt.

A few examples suffice. At the 1997 retreat, Schmidt attempted to raise work place concerns. Harris responded with an outburst, screamed at Schmidt, and ordered him to stop raising staff issues during the retreat's question and answer period. This was not a mere isolated loss of temper. It was followed by a written warning to Schmidt (following the retreat) that he should refrain from such "counterproductive" behavior and that he should not discuss this warning with his co-workers.

Management's criticism of Schmidt's concerted activity was the main focus of Schmidt's 1998 and 1999 performance evaluations. Despite the fact that the stated purpose of such evaluations was to "give the employee an opportunity to sit down with [his or her] supervisor to review how [the employee's] work has progressed since the last review" (*see* AIP Employee Handbook, 1999, p. 18 [emphasis added] (Exhibit 18)), Schmidt's 1998/99 evaluations barely addressed the quality of his work product; they focussed on his tenacity in raising workplace concerns that management did not want to hear.

S 001996

When Schmidt appealed his 1998 evaluation to the Institute's Director of Physics Programs, James Stith, Director Schmidt bluntly admitted that "[Schmidt's] workplace activity, apart from [his] job assignments, played a central role in [Schmidt's] critical review and lowered job performance rating." Schmidt Aff., p. 6, ll. 21-23. Stith also added, prophetically, that, "When you do things your supervisors would be happier that you not do, then you have to be willing to pay the penalty, even if what you do is right." (read "protected").

By August 1999, management had clearly lost patience with Schmidt's refusal to stop speaking out. They had reinstated their prohibition, originally instituted in January 1998, against all private workplace conversations between staff members. This ban, clearly aimed mainly at Schmidt, amounted to an announcement that all communications among employees would be monitored; in Editor Benka's words, "everything to do with the job is [management's] domain, and there should be no privacy from [management]." Schmidt Aff., p. 8, ll. 18-20.

When this measure proved incapable of silencing Schmidt, management welcomed even a weak pretext for dismissing him. It seized on a single literary passage in Schmidt's book to fire him, supposedly for writing on "stolen" time. Unfortunately for the Institute, Schmidt did not "steal" any time. He merely did what many colleagues had done for many years; he used non-working down time and facilities to do freelance writing, a practice condoned by *Physics Today* and virtually every other periodical in the industry.

S 001997

- D. The Institute's stated reason for firing Schmidt is false. The Institute would not have fired Schmidt in the absence of his protected, concerted activity as evidenced by the Institute's practice of allowing and even facilitating the industry's custom of allowing its employees to pursue their own personal writing on company time.
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If the Board finds that the Institute's stated reason for firing Schmidt is false, the Board may draw the inference that the Institute discharged Schmidt for unlawful reasons. Active Transportation, 296 NLRB 431, 432 n.8 (1989). The Institute has stated, on at least two separate occasions, that it terminated Schmidt because he worked on his book during company time. At Schmidt's dismissal, Editor Steve Benka told Schmidt:

We see in your own introduction to your own book that you have stolen from the magazine. Therefore, you can no longer be employed by *Physics Today*. Your employment is terminated, now.

Schmidt Aff., p. 2, ll. 3-6. No other reason was ever given. Also, in the proceedings before the State of Maryland Department of Labor, the Institute contended that Schmidt "was discharged from the [Institute] on 6/2/00 because it was alleged that the claimant wrote a book on company time." ⁷ See Exhibit 14.

That this was the Institute's true reason for firing Schmidt, is belied by the Institute's long history of condoning, or even encouraging, outside writing, and it is inherently incredible, given the longstanding industry practice. For example, William Sweet who was employed at *Physics Today* from March 1984 until 1993, stated that "upon being hired, [he] asked the Editor in Chief, Hal Davis, whether [he] could pursue freelance projects while [Sweet] worked at *Physics Today*. Davis said that that would be fine as long as [he] did not attach *Physics Today* or the Institute to anything [Sweet] wrote." Sweet

⁷ Interestingly, the Department found that "insufficient information has been presented to show that the claimant's actions constituted misconduct in connection with the work." Exhibit 18.

Decl., ¶ 4. The fact that the Editor had no problem with a writer pursuing freelance work while at *Physics Today*, demonstrates that at the very least, the magazine was aware of and did not prohibit its employees from pursuing outside projects.

Moreover, the Institute provided free long distance and computer services to its employees. When Sweet was hired, he confirmed with the Human Resources Department, then headed by Theresa Braun, that he would have unlimited long-distance telephone privileges as a benefit of working at the Institute. Sweet Decl., ¶ 4. This privilege allowed Sweet to conduct long distance telephone interviews, free of charge, while at work.

Sweet and other employees at *Physics Today* did personal work during company time. Sweet openly worked on a number of freelance pieces, made long-distance calls, used the company's computer and the magazine's library for research, and discussed the articles with his co-workers. Sweet Decl., ¶¶ 6, 8. Another *Physics Today* editor, Chris Mohr, also spent a considerable amount of time pursuing freelance projects while working for the magazine. In his declaration, Mohr states:

While at *Physics Today*, I did all the writing on my computer at work and read all the source material while at work because it was based on the scientific magazines and publications received by *Physics Today*. I did this openly and spoke with co-workers about the article. No one ever said anything about my working on this piece.

Mohr Decl., ¶6. No one, other than Schmidt, was ever punished for such activity.

Physics Today's tolerance of outside work on company time reflects the norm in the industry. One does not have to dig deep to know that many writers and editors employed by newspapers and magazines do freelance writing. Bob Woodward and Carl Bernstein were writers for the *Washington Post* when they published All the President's Men. The staff writers of *The New Yorker* are famously prolific. The list could go on and

on - - virtually every well-known journalist, including William Manchester, Jack Germond, and William Buckley, has written outside works. No one would believe that none of this writing was done on time "stolen" from the employers.

As William Sweet, a journalist of 25 years explains:

In my experience, freelancing on an employer's time (and using an employer's resources) is and was ubiquitous in the newspaper and periodical industry. It generally is taken for granted that reasonably ambitious people will use company time, long distance telephone privileges, research facilities, and the company's computers to further their own writing careers.

Sweet Decl., ¶ 8. To expect anything less of one who enters the field of journalism is unrealistic.⁸

At bottom, for the Institute to suggest that it fired Schmidt for working on a book during company time, is at best a fast and loose interpretation of its own practices and the industry's unwritten rules and customs. At worst, it is a calculated misrepresentation, contradicted by voluminous evidence.

On the other hand, substantial evidence (and logic) supports the view that the Institute's true motive for discharging Schmidt was its escalating hostility to his protected activity. For nineteen years, Schmidt tirelessly advocated improvement in the working conditions of the staff, writers, and editors at *Physics Today*. For the last ten years, and

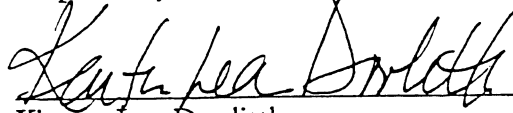
⁸ As additional proof of the frequency of this custom, charging party has attached several articles written by other *Physics Today* staff members which were published while employed at *Physics Today*, including a 200-page article edited by *Physics Today*'s own Managing Editor, Kenneth McNaughton. See Exhibit 17. It is simply not realistic to suggest that 1) all of these articles were entirely researched, written and edited, while not on company time, and 2) that the Institute was not aware of and did not encourage this practice. We will, if the Office desires, supplement additional declarations from Schmidt's former co-workers as to their experiences pursuing freelance projects while working for *Physics Today*.

especially during the last three years, management's responses to Schmidt's organizing efforts had grown increasingly strident. Finally, they carried out the ultimate threat.

CONCLUSION

For the foregoing reasons, the Office of Appeals should reverse Region 5 and issue a complaint alleging that the Institute unlawfully discharged Schmidt in violation of Sections 8(a)(1) and (5) of the Act.

Respectfully submitted,



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